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A STUDY OF THE

COURT OF STAR CHAMBER

LARGELY BASED ON MANUSCRIPTS IN THE BRITISH MUSEUM AND THE PUBLIC RECORD OFFICE

A DISSERTATION SUBMITTED TO THE FACULTIES OF THE GRADUATE SCHOOLS OF ARTS, LITERATURE, AND SCIENCE, IN CANDIDACY FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

DEPARTMENT OF HISTORY

BY

CORA L. SCOFIELD

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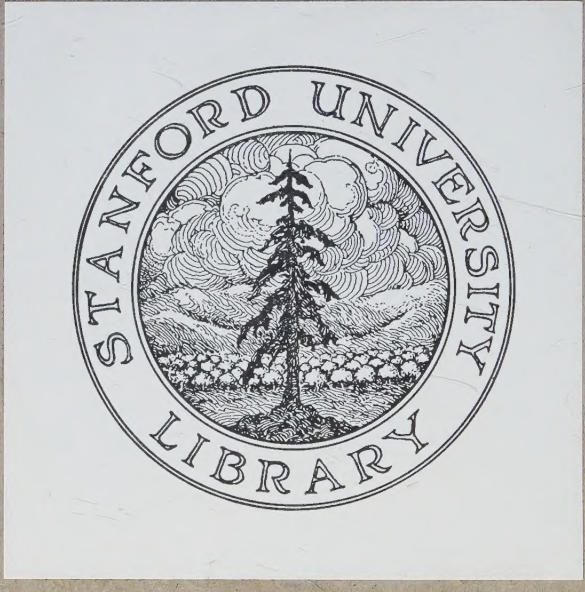
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BIBLIOGRAPHY.

References to the room known as the Star Chamber, or Chamber of Stars, extend back to the year 29 Edward III, and the history of the statutory court which came to bear that name carries us through the period of the Tudors and the reign of James I down to the sixteenth year of the reign of Charles I. The materials for the history of the Court of Star Chamber are both numerous and varied, but unfortunately they are in some respects sadly incomplete. In fact, the most valuable records of the Court are no longer to be found. Hudson, who wrote his treatise on the Star Chamber during the reign of James I, complains that the records "are negligently kept and many times lost," but this, he says, came in "of very late time," either under Mr. Mills (William Mill, clerk of the Star Chamber during most of the reign of Elizabeth) or since the office of clerk passed into the hands of many deputies, and it will not account for the complete disappearance of the decrees and orders of the Court. Coke says that the sentences, decrees, and acts of the Court were engrossed in a "fair book" with the names of those who sat in the Court and gave their voices; and the writer of Hargrave MS. 216, Art. 19, William Mill, the clerk of the Star Chamber just referred to, says (p. 236): "For my owne parte I haue learned in this Court and therefore I haue good warrant to speake it That untill of very late tyme even untill the tyme of my last Predicessor in a manner there was nothing done either in the Courte publiquely or in the Inner Starr Chamber privately but it passed under the hands of my Predicessors and was entred in the bookes of entryes Remayneing of Recorde in the Court in my Custody as the officer thereof at this daye." On August 19, 1608, the Lord Chancellor delivered to Sir Francis Bacon, then become clerk of the Star Chamber,

"One Booke of the Kallender of Orders, beginning anno primo et secundo Henr. Septimi, and endinge in termino Trinitatis, anno XXX° Henr. VIII^{vi}.

One other Booke of Kallender of Orders, beginning in termino Michaelis, anno XXX° H. 8, and endinge in termino Hillarij, anno V^{to} Eliz. R^{nae}.

One other Booke of Kallender of Orders, beginninge termino Pasch. anno quinto dominae Reginae Eliz., and endinge in Trinity XXX° dictae R^{nae}.

One other Kallender, in lose papers, beginninge in termino Michaelis, anno XXX° dictae Eliz., and endinge at Trinity XXXII° dictae Eliz.

One other Booke, or Alphabet Kallender, conteininge all such matters as were debated in the Starchamber from Mich. terme, in the 8 yeare of Kinge Henry the 8, untill Trinity in the XIIIth yeare of his reigne.

One other Boke, or Alphabet Kallender, to give light of divers especiall presidentes, under Mr. Mynat's hand."[1]

The ultimate fate of these books is unknown. A committee of the House of Lords reported in 1719 that the last notice of the decrees and orders "that could be got was that they were in a house in St. Bartholomew's Close, London."[2] No efforts have succeeded in bringing them to light.

Owing to these losses, which can only to a very limited extent be supplied from other records, our knowledge of the constitution and rules of the Court of Star Chamber must always be imperfect. It is true that the early writers on these subjects had access to those records which are now missing, and, in default of better evidence, their works are of great value even for a study of the Star Chamber before their own day; but their accounts are either very incomplete or so biased in favor of the antiquity and authority of the Court that their trustworthiness is open to question. Furthermore, the origin and development of the Star Chamber and the source of its authority seem to have been subjects of argument and dispute then as now.

Of the Star Chamber in the days of Elizabeth and the first Stuarts the histories and state papers of that time furnish many glimpses, and the works of Hudson, Lambard, and others give more or less satisfactory explanations of its procedure. Of the Star Chamber of the early Tudors, however, much less is known. What traces of it there are during the reign of Henry VII are very meager and somewhat uncertain, and although in the reign of Henry VIII, during the season of Wolsey's power, there are many references to it, after his downfall it again sinks into comparative obscurity. The references to the Star Chamber during Edward VI's reign are of striking scarceness. During the reign of Philip and Mary it is more frequently mentioned,

[1] Egerton Papers, p. 428. Thos. Mynatt was one of the clerks of the Star Chamber in the reign of James I. His signature appears on an estreat of Star Chamber fines of 9 James I. *Vide* "Accounts, &c. (Exchequer Q. R.)," Bundle 121, No. 12.

[2] A guide to the Principal Classes of Documents preserved in the Public Record Office, by S. R. Scargill-Bird (London, 1896), p. 198.

and from the accession of Elizabeth it springs into that prominence in which it continues until its abolition.

But if the Star Chamber occupies sometimes a more prominent, sometimes a less prominent position in history, it only means that the Court did not busy itself equally at all times with causes of public interest. In the hearing of causes it never ceased to be active. At the Public Record Office are preserved an enormous number of Star Chamber documents, including bills, answers, rejoinders, replications, interrogatories, answers to interrogatories, and depositions;[1] but, unfortunately, the work of arranging them is still far from complete. Thirty-two portfolios of these documents belong to the reign of Henry VIII. A portion of these have been alphabetically arranged (under the plaintiff's name) in sixteen volumes, for which a manuscript calendar has been prepared. In the 49th Report of the Deputy Keeper of the Public Records is published a calendar for the remaining portfolios of the reign through No. 26, but the last six portfolios are still unindexed. There are also seven portfolios of Star Chamber proceedings belonging to the reign of Edward VI, and the same number belonging to the reign of Philip and Mary. The documents belonging to the reign of Elizabeth are almost innumerable (a calendar of some 43,000 suits of that reign has been prepared), and those of the reign of James I make seventy-two packages. In addition to all these, there are seven portfolios of miscellaneous documents. There are no documents of the reign of Henry VII which can with absolute certainty be said to be Star Chamber documents, but some proceedings before the Council during that reign, which are analogous to Star Chamber proceedings, may probably be accepted as such. A few of these papers are scattered among the Star Chamber documents of the reign of Henry VIII, and there is a bound volume, lettered "Bills and other Proceedings before the Council, various dates," which contains documents, all undated, some of which are supposed to belong to the reign of Henry VII.[2]

At the Public Record Office will also be found, in "Accounts, &c. (Exchequer Q. R.)," a few estreats of fines during the reigns of Edward VI, Philip and Mary, Elizabeth, and James I.

[1] The bills, answers, rejoinders, replications, and usually the interrogatories are on parchment, the depositions and answers to interrogatories on paper.

[2] These are the proceedings to which Mr. Bird refers in his Guide when he states that the Star Chamber proceedings preserved at the Public Record Office commence with the reign of Henry VII.

PRINTED BOOKS.

The following is a list of such printed books as have been found to be of value for a study of the Court of Star Chamber:

LEGAL TREATISES, REPORTS, ETC.

SMITH: The Commonwealth of England and Maner of Government thereof. London, 1594. [Written in 1565, first published in 1584.]

LAMBARD: Archeion, or a Discourse upon the High Courts of Justice in England. . . . . Newly Corrected, and enlarged according to the Authors Copie. London, 1635. [Two editions of this work, of which the "Authors Epistle" is dated 1591, were published in 1635. The only important difference between the two is the addition of a discourse on "The severall Offences determinable by the Statutes."]

Camera Stellata: or, An Explanation of the most famous Court of Star-Chamber: together with an Account of the Offences there punishable; the Fees payable, and the Orders for Proceedings therein. [Published in Vol. II of the edition of 1771 of Hearne's Curious Discourses and there attributed to Francis Tate. But see *Appendix* for a discussion of its authorship.]

CROMPTON: L'Authoritie et Jurisdiction des Courts de la Majestie de la Roygne. London, 1594.

Star Chamber Cases. Shewing what causes properly belong to the Cognizance of that Court, Collected for the most part out of Mr. Crompton, his Booke, entitled The Jurisdiction of divers Courts. London, 1630.

HUDSON: A treatise on the Court of Star Chamber. Printed in Collectanea Juridica, Vol. II. London, 1792.

[Hudson was a practitioner in the Star Chamber, and his views are perhaps biased by his loyalty to the Court, but this treatise is, nevertheless, the most valuable account of the Court that exists. On a copy of Hudson's work in Lansd. MS. 622 the following remarks, signed "E. Umfreville," are written: "This Treatise or Survey of the Court of Star-Chamber will upon Reading Appear to be wrote in a masterly yet humble Manner & by impartial Readers to be approv'd. It was begun in the Reign of K. Ja. 1st & finished early in the Reign of Ch. 1st for the purpose of Composing the general Clamor in those Times rais'd agt. that Court, for exceeding its proper Bounds & Jurisdiction. The Authors Design is to shew its just Jurisdiction to which he Wishes to Restore it, & which he Verifys by the antient orders & just Practise of the Court. He greatly Exclaims agt. Innovations & Innovators among whom [in many Places of the Work] he Reckons Sir Edw: Coke during the Time of his Potency & when he was Attorny G: & upon whom he boldly lays these early Innovations which from his Example afterwards increased & swelled so greatly to the Prejudice of public Liberty & Property. Upon the whole, (from the Authors modest Manner of conducting the Argument & his Wishes to Remove Innovations & observe the Antient Orders) it may be Concluded that the Court rather wanted Reforming than Dissolving as it afterwards was by the Stat. 16 Car. 1. cap. 10. § 3."]

COKE: The First Part of the Institutes of the Lawes of England. London, 1629. The Fourth Part of the Institutes of the Lawes of England: concerning the Jurisdiction of Courts. The Fourth Edition. London, 1669. [Coke often sat in the Star Chamber. Note Hudson's accusations against him, referred to in the quotation given above.]

SHARSWOOD'S Blackstone's Commentaries on the Laws of England. Philadelphia, 1877.

COWELL: The Interpreter or Booke containing the Signification of Words. Cambridge, 1607.

WEST: The Second Part of Symboleography, which may be termed the Art or Description of Instruments and Presidents, ... with an addition of some necessarie Exemplars to be used in his Majesties Courts of Exchequer, Wards and Liveries, and Starre Chamber. London, 1627.

POWELL: The Attourneys Academy or the Manner and forme of proceeding practically upon any Suite, Plaint, or Action, whatsoeuer, in any Court of Record whatsoeuer, within this Kingdome, etc. London, 1623.

Year Books, Edward IV, Richard III.

Year Books, Les Reports des Cases en les Ans des Roys Edward V, Richard III, Henrie VII, & Henrie VIII. Touts qui par cy devant ont este publies. Or nouvellement imprime, corrige & revieue, etc. London, 1679.

CAESAR: The Ancient State, Authoritie, and Proceedings of the Court of Requests. Anno 1597. [This very rare little book begins with "Acts, Orders, and Decrees made by the King and his Counsell, 9. H. 7. remaining amongst the Records of the Court, now commonly called the Court of Requests." The records extend to 27 Elizabeth.]

KEILWEY: Reports d'ascuns Cases (Qui ont evenus aux temps du Roy Henry le Septiême de tres heureuse memoire, & du tres illustre Roy Henry le huitiesme, & ne sont comprises deins les livres des Terms & Ans demesmes les Roys.) Seligès hors des papieres de Robert Keilwey Esq: par Jean Croke, Sergeant al Ley, etc. Third Edition. London, 1688.

DYER: Reports of Cases in the reigns of Hen. VIII, Edw. VI, Q. Mary, and Q. Elizabeth. Translated by John Vaillant. London, 1794.

PLOWDEN: The Commentaries or Reports of . . . . containing Divers Cases upon Matters of Law, argued and adjudged in the several Reigns of King Edward VI, Queen Mary, King and Queen Philip and Mary, and Queen Elizabeth. London, 1761.

CROKE: The Reports of . . . . Revised & Published in English by Sir Harebottle Grimston Baronet. Second Edition. London, 1669.

Nov: Reports and Cases, taken in the time of Queen Elizabeth, King James, and King Charles. London, 1656.

Coke: Reports of . . . . London, 1660.

POPPHAM: Reports and Cases . . . . To which are added some remarkable cases Reported by other learned pens since his death. London, 1656.

HOBART: The Reports of. Fourth Edition. London, 1678.

Report of Cases in the Courts of Star Chamber and Hight Commission. Edited by Samuel Rawson Gardiner, LL.D. Printed for the Camden Society, 1886.

Some reports of Star Chamber cases will also be found in the Reports of Anderson, Hutton, Ley, Jones, and Godbolt.

COBBETT'S Complete Collection of State Trials. London, 1809.

HARGRAVE'S Complete Collection of State Trials and proceedings for High-Treason etc. London, 1781.

The Christian Mans Triall; or, A true Relation of the first apprehension & several examinations of John Lilburne, with his Censure in Star Chamber & the manner of his cruell whipping through the streets, etc. The Second Edition, with an addition. London, 1641.

Documents relating to the Proceedings against William Prynne in 1634 and 1637. With a biographical fragment by the late John Bruce. Edited by Samuel Rawson Gardiner. Printed for the Camden Society, 1877.

A New Discovery of the Prelates Tyrrany, in their late prosecutions of Mr. William Pryn, an eminent Lawyer: Dr. John Bastwick, a learned Physitian: and Mr. Henry Burton, a reverent Divine, etc. London, 1641.

A Brief Relation of certain special and most material passages and speeches in the Star Chamber; occasioned and delivered, June fourteenth 1637, at the censure of those worthy Gentlemen, Dr. Bastwick, Mr. Burton, and Mr. Prynne. Reprinted in the Harleian Miscellany, Vol. IV. London, 1809.

An Epitome or Briefe Discoverie, from the Beginning to the Ending, of the many and great Troubles that Dr. Leighton suffered, etc. London, 1646.

The Camden Miscellany, Vol. VII, contains the speech of Sir Robert Heath, Attorney General, in the case of Alexander Leighton, edited, with a preface by the late John Bruce, F.S.A., by Samuel Rawson Gardiner.

Observations upon certain Proceedings in the Star Chamber against Lord Vaux, Sir Thomas Tresham, Sir William Catesby and others, for refusing to swear that they had not harboured Campion the Jesuit: in a letter from John Bruce, Esq. F.S.A. to Sir Henry Ellis, K. H. F.R.S.: followed by a narrative of the Proceedings. Archaeologia, Vol. XXX.

The Earl of Essex's Vindication of the War with Spain. In an apology to Mr. Anthony Bacon, Penn'd by Himself, Anno 1598. To which are added, The several Speeches delivered by the Lords of the Councel in the Star Chamber, the last Sitting in the End of Michaelmas Term, 1599. In Accusation of the Earl for the Miscarriages of the war in Ireland. London, 1729.

Scrinia Reserata: A Memorial Offer'd to the Great Deservings of John Williams D.D. who sometime held the Places of L^{d} Keeper of the Great Seal of England, L^{d} Bishop of Lincoln, and L^{d} Archbishop of York. Written by John Hacket, Late Lord Bishop of Litchfield and Coventry. London, 1693.

STATE PAPERS, HISTORICAL COLLECTIONS, ETC.

Statutes at large.

The Statutes of Henry VII in exact facsimile from the very rare original printed by Caxton in 1489. Edited with notes and introduction by John Rae. London 1869.

Rolls of Parliament.

Journals of the House of Lords.

Journals of the House of Commons.

The Journals of all the Parliaments during the Reign of Queen Elizabeth. Collected by Sir Simonds D'Ewes. London, 1682.

Calendars of State Papers, Domestic Series, Henry VIII to Charles I.

Calendars of Patent Rolls, Richard II.

The Antient Kalendars and Inventories of the Treasury of His Majesty's Exchequer. Collected and edited by Sir Francis Palgrave, K. H. 1836. Vols. I, II.

Issues of the Exchequer. By Frederick Devon. London, 1837.

RYMER: Foedera, Conventiones, Literae etc. Accurante Roberto Sanderson, Generoso. Tomus XVIII, London, 1726; Tomus XX, London, 1735.

Proceedings and Ordinances of the Privy Council of England. Edited by Sir Harris Nicolas. 1834–1837.

Acts of the Privy Council of England. New Series, edited by John Roche Dasent. 1890–1896.

Materials for a History of the Reign of Henry VII. Edited by Rev. William Campbell. (Rolls Series.) Vol. II. London, 1877.

The Paston Letters, 1422–1509. Edited by James Gairdner. London, 1872.

CAVENDISH: The Life of Cardinal Wolsey. With notes and other illustrations by Samuel Weller Singer. Chiswick, 1825.

The Journal of King Edward's Reign, written with his own Hand. Printed for the Clarendon Historical Society, 1884.

HALL's Chronicle. Carefully collated with the Editions of 1548 and 1550. London, 1809.

GRAFTON: A Chronicle at Large, etc. London, 1809. (Reprinted from the edition of 1569.)

STOW: Annales, or a Generall Chronicle of England. Begun by John Stow, continued and augmented with matters Forraigne and Domestique, Ancient and Moderne, unto the end of this present yeare, 1631. By Edmund Howes, Gent. London, 1631.

——— A Survay of London. London, 1598.

HOLINSHED's Chronicle. "Now newlie recognised, augmented, and continued . . . . to the yeare 1586."

CAMDEN: Britain, or a Chorographical Description, etc. Translated newly into English by Philémon Holland Doctour of Physick. Finally revised, amended, and enlarged with sundry additions by the said Author. London, 1610.

——— The Historie of the Most Renowned and Victorious Princesse Elizabeth, Late Queen of England. Composed by way of Annals. London, 1630.

——— The Annals of Mr. William Camden in the Reign of King James I. Published in Vol. II of A Complete History of England. London, 1719.

STRYPE: Ecclesiastical Memorials. London, 1721.

——— Annals of the Reformation, etc. Vols. I, II, London, 1735; Vol. III, London, 1737.

——— The History of the Life and Acts of the Most Reverend Father in God, Edmund Grindal, etc. Oxford, 1821.

——— The Life and Acts of Matthew Parker, etc. London, 1711.

——— Memorials of the Most Reverend Father in God, Thomas Cranmer, etc. Oxford, 1812.

——— The Life and Acts of John Whitgift, D. D., etc. Oxford, 1822.

Letters written by John Chamberlain during the Reign of Queen Elizabeth. Printed for the Camden Society, 1861.

RUSHWORTH: Historical Collections. London, 1680.

CLARENDON: History of the Rebellion and Civil Wars in England. Oxford, 1816.

WHITELOCK: Memorials of the English Affairs. London, 1682.

The Works of the Most Reverend Father in God, William Laud, D.D. Oxford, 1847–1860.

The Works of Lord Bacon. London, 1841.

SPEDDING: The Letters and the Life of Francis Bacon. London, 1890.

The Egerton Papers. Edited by J. Payne Collier. Printed for the Camden Society, 1840.

A Decree lately made in the High Court of Starre-Chamber, after consultation had among the Judges, and Certificate of their opinions in divers things &c. And, also a Confirmation of that Decree by His Sacred Majestie: together with His Majesties Command that the same be Printed, Published, and put in due execution. London, 1633.

By the King. A Proclamation concerning Soape and Soape makers. London, 1633.

At the Starre Chamber the twentieth of June 1634. London, 1634.

A Decree of Starre-Chamber: Concerning Inmates, and divided Tenements, in London or three miles about: Made the fourteenth of February last past. 1636. London, 1636.

A Decree of Starre-Chamber, concerning Printing. Made the eleventh day of July last past. 1637. London, 1637.

A Transcript of the Registers of the Company of Stationers of London, 1554–1640. Edited by Edward Arber. London, 1875.

AIDS.

BURN: The Star Chamber. Notices of the Court and its proceedings: with a few additional notes of the High Commission. London, 1870.

An Outline of the History of the Court of Star Chamber, in a Letter from John Bruce, Esq. F.S.A. addressed to Thomas Amyot, Esq. F.S.A. A second Letter on the Court of Star Chamber. Archaeologia, Vol. XXV.

PROTHERO: Select Statutes and other Constitutional Documents illustrative of the Reigns of Elizabeth and James I. Oxford, 1894.

PALGRAVE: An Essay upon the Original Authority of the King's Council. 1834.

DICEY: The Privy Council. London, 1887.

FINLASON: The History, Constitution and Character of the Judicial Committee of the Privy Council, considered as a Judicial Tribunal. London.

STEPHEN: A History of the Criminal Law of England. London, 1883.

HALLAM: The Constitutional History of England. London, 1846.

GARDINER: History of England 1603–1642. London, 1877.

BUSCH: England unter den Tudors: König Heinrich VII. Stuttgart, 1892.

MANUSCRIPTS IN THE BRITISH MUSEUM.

My researches among the manuscript collections of the British Museum, where much material bearing on the Court of Star Chamber is to be found, were greatly simplified by the "Catalogue of MSS. in the British Museum relating to the Star Chamber" which was made by John Bruce, Esq., F.S.A., and is to be found in Add. MS. 28,201, A, fol. 116. Among the Stowe and Additional MSS. are a number of papers relating to the Star Chamber which are not included in Mr. Bruce's catalogue, and a few manuscripts in the other collections escaped his attention. These are few, however, in comparison with the number he has catalogued.

In the following list are quoted all of the manuscripts that were found to be of value for the purpose of this paper, or of particular interest to the historical student. A number of manuscripts relating to cases which are of no special importance for a study of the history of the Court, or which are fully reported elsewhere, are omitted. Other manuscripts which have been published by the Camden Society, by Strype, and others, have also been omitted, and it was not thought to be necessary to quote the numerous manuscript copies, complete or incomplete, of Hudson's Treatise on the Star Chamber and of Lambard's account of the Court.

For the sake of convenience in reference the manuscripts of the different collections have been arranged in numerical order, but, for the sake of brevity, duplicate and, in some instances, supplementary manuscripts, when grouped, have been quoted without description, and have not been re-quoted among the other manuscripts of the collections to which they belong. The descriptions given are in general taken from the printed catalogues of the collections from which Mr. Bruce copied. In some cases, where a briefer description has been thought sufficient, it has been adopted, and, in other cases, when a description or heading given on the manuscript itself differed from that given in the catalogue and was thought to be preferable, that description has been used in place of the catalogue description. But such deviations are noted. Comments, cross-references, interpolations, etc., which have been added, are enclosed in brackets.

LANSDOWNE MSS.

1, Art. 44. Copy of the order of sitting in the Star Chamber, 8 Hen. VIII, 1516.

On one of the leaves of this document Lord Burghley has written, "The variete of the charges of the dyet in the Sterchamber" (for the years 1559, 1579,

and 1590), and also specified, for some other year, the nature and quantity of food consumed. It is endorsed by himself.

Art. 49. The expense of the Lords' diet in the Star Chamber, before Wolsey was Cardinal, 1509.

This is extremely curious. The cook's daily wages for dressing the dinner were 2s. 4d. Strawberries, cream, and oranges make part of the dessert. It is signed, among others, by Lord Surrey, and Wolsey, as Bishop of Durham. The account is for seventeen days' dinners, the whole expense being £35 0s. 5d.

6, Art. 7. Judgments and sentences pronounced in the Star-Chamber for forgery; from the 30 of Hen. VIII. to the 5 of Q. Elizabeth.

24, Art. 73. The lamentable petition of the poor foreign Shoemakers, to the Lord Treasurer, not to be molested, and that their suits in the Star-Chamber and Exchequer may be expedited, 1577.

28, Art. 29. An order recorded in the Star-Chamber, and at the same time agreed to, betwixt the Haberdashers and the Feltmakers. Jan. 29, 1577.

37, ... [This volume of manuscripts contains a number of letters which have reference to the case of Archbishop Sandys of York *vs.* Sir Robert Stapleton, besides—]

Art. 52. Short notes of ye speeches of ye Commissioners at ye hearing of Sir Rob. Stapletons matter in ye Star Chamber. Taken by Sir M. H. [*Michael Hicks at first written and then crossed out*], Secretary to ye L. high Treasurer. [MS. title. For the decree of the Court in this case see Harl. MS. 6265, Art. 20, and Lansd. MS. 38, Art. 68. For other MSS. relating to this case see Lansd. MSS. 38, Arts. 73–82; 39, Art. 54; 104, Art. 19; 115, Art. 11; Harl. MS. 4990, Art. 7; Add. MSS. 326, 8; 2531, 12.]

Art. 61. A copy of the presentment concerning the assays taken of the pixed monies, at the Star-Chamber. Nov. 29, 1583. [Another copy Lansd. MS. 47, Art. 60.]

44, Art. 7. An account of fees to be taken by Counsellors at Law in the Star-Chamber, 1585.

47, Art. 62. A note of the assays of the pixed monies in the Star-Chamber, taken Feb. 13, 1584.

48, Art. 29. The order of the ratinge of th' assaies of the Mints in the Realme of Englande used of olde time in the Starre chamber, or elsewhere at the Lordes of the Counsels pleasure. [MS. title. Dated in pencil, 1586.]

52, Art. 3. Assays of money marked with the scallop-shell before the Privy Council in the Star Chamber. May 30, 1587.

58, Art. 60. Feb. 1588. An Estimat of ye Lordes Diett in ye Starchamber one whole year. [MS. title.]

59, Art. 41. Two papers of diet and the expenses of it, as used in the Star-Chamber, 1589.

Art. 64. 14 Dec., 1589. Reasons whie ye Cause prosecuted against ye L. Chief Baron ought to be publicquelie herd in ye Starrechamber. [MS. title.]

62, Art. 4. 15 Martii, 1589. Allegations of Fraunccise Guilpin touchinge the Stewardshipp of the Starrchamber.

63, Art. 45. A speech and protest of G. Schomaker, the Danish Minister, before the Lords in the Star-Chamber, June 26, 1590.

69, Art. 5. Franciscus Niphus to Lord Burghley; that a matter agreed upon in his favour in the Star-Chamber, may not be altered. Jan. 27, 1591.

Art. 6. A note of the charges of divers dinners in the Star-Chamber in the time of Henry VIII. [Dated 29 Jan., 1591.]

76, Art. 55. An order of the Star-Chamber, relating to the right of navigation on the River Lea, in Hertfordshire, June 20, 1594.

79, Art 51. The Heads of Cambridge University to Ld. Burghley, to stop Sir Francis Hynd's suit in the Star-Chamber against Rich. Foxcroft, one of their members, as being contrary to their privileges. May 23, 1595.

83, Art. 72. Resolutions of the Star-Chamber concerning riots committed by Noblemen's or Gentlemen's servants. [The first resolution is dated 1 and 2 Henry VII; and the second, which is in the same handwriting as the first, 16 Eliz. The two papers were once folded together and dated on the back Maii 1588.]

84, Art. 71. Henry, E. of Kent, to Ld. Burghley, on his Lordship's disliking his proceedings against Rotheram and Garter in the Star-Chamber. Nov. 28, 1597.

86, Art. 42. A brief of the bill against Mr. Mills, Clerk of the Star-Chamber, for extortion &c. with his answers, 1597.

109, Art. 4. A draught of an order made by the Court of Star-Chamber, for exclusion from commons and from the practice of the law, of a certain member of the Inner Temple, who had neglected to resort to places of public worship, &c. Corrected by Lord Burghley.

151, Art. 55. The E. of Suffolk's petition to King James I respecting charges made against him in the Star-Chamber. [See the judgments against Suffolk, etc., in Stowe MS. 159, Art. 1, fol. 3.]

155, Art. 10. A warrant from Her Majesty to the Tresorer, Under-Tresorer, and Chamberlains of the Exchequer for the defrayeng of the Lords diet in the Star Chamber &c. 9 Martii, 2 Eliz. [A transcript of a writ of Privy Seal the title of which is in Sir Julius Caesar's handwriting.]

160, Art 17. Minute, in Sir Julius Caesar's handwriting, of the King's speech at his first coming to the Star-Chamber, 20 Junii 1616.

Art. 34. Concerning the fines of Sir Edward Littleton, Walter Leveson, Sir Roger Tooke, and others, in the Star Chamber, A. D. 1608.

Art. 73. Order of Council that Worcestershire be considered within the marches of Wales. Star Chamb. 13 May, 1574.

Art. 88. The names of such as sate since the 9th of Hen. VII. in the Star Chamber and Court of Requests, ult. Maii 1597.

Art. 92. Notes out of the Star Chamber records concerning those who sate as Judges there, t. Henr. VII & VIII. [The title on the back of this MS. is in Sir Julius Caesar's handwriting. The notes were made by some one familiar with the Court in the days of William Mill, for in one place, referring to those who sat in the Court in Henry VIII's time, he has written: "they toke aparances also & affidauits & did other ordinary busines of the court which Mr. Milles doth now." Evidently the writer, or perhaps Caesar, was seeking to determine who actually sat as judges in the Star Chamber in the time of the first Tudor kings.]

Art. 93. Precedents of the King's mercy to great offenders on their voluntary submission to his orders. [Dated 7 July, 1619. These precedents were probably taken from the "Alphabet Kallender, to give light of divers especiall presidentes," which was one of the books delivered to Bacon in 1608.]

Art. 94. Mr. Wraynham's complaint against Lord Chancellor Bacon, and the proceedings thereupon, A. D. 1618. [See also Lansd. MS. 612, Art. 5, and Harl. MS. 304, Art. 11.]

Art. 95. Minutes of the prosecution of the Countess of Shrewsbury for a contempt, A. D. 1612.

Art. 96. Minutes of the Lord Chancellor Bacon's speeches to the Judges, &c., in the Star Chamber. A. D. 1618.

162, Art. 41. A demurrer put into the Star Chamber by the Lord Haughton (afterwards Earl of Clare) to the Lord Coke's Bill, A. D. 1619.

Art. 42. The King's Attorney-gen. plaintiff, against Day, Curteene, Burlamachi, and Stampeele, merchants, in the Star-Chamber, for tergiversation, calumniation, combination, bribery, corruption, treachery, ambidextric, and prevarication. 1619. [The famous case of the Dutch Merchants. See also Stowe MS. 325, Art. 5, fol. 92, and Add. MS. 12, 497, fol. 5.]

211, Art. 9. The several speeches of the Lords in the Star Chamber on the 14th February 1638, at the censuring of Mr. Osbaston and the Bishop of Lincoln for a libel against the Lord Treasurer and the Archbp. of Canterbury, with the severe sentences pronounced against the parties.

612, Art. 3. Lord Bacon's speech in the Starchamber to the Judges, on the last day of Trinity term 1617. [See also Add. MS. 3522. 6.]

620. Reports of Starchamber cases from 1 to 3 Car. I. [This book at one time belonged to N. Hardinge, Esq., and a note on p. 75 shows that it had passed from hand to hand and once belonged to John Lightfoot.]

639. "The Course and manner of prosecution of causes in the highe court of Starchamber, from the original Subpoena unto the hearing and end of the cause. Alsoe the order and proceeding of the Court upon the sitting dayes in the hearing of causes and motions." To which are added tables of fees to be taken by the Attornies of the Court. This work was compiled by Issac Cotton one of the Clerks of the Starchamber and dedicated to Sir Humphrey May, Knight, Chancellor of Lancaster and Clerk of the Starchamber, and to his brother Thomas May, Esquire, Deputy Clerk of the Court, the 20 Sept. 1622.

This volume likewise contains divers precedents, decisions, and other matters, transcribed by John Lightfoot, of Gray's Inn, from the books of Mr. Hudson, one of the Registers of the Court of Starchamber, anno 1636.

[Other copies of Cotton's work will be found in Stowe MS. 418 and Add. MS. 26,647. 2.]

830, Art. 16. An old collection of precedents of bills, answers, demurrers, replications, &c. in Chancery; and also in the Courts of Requests and Star Chamber.

849, Art. 9. The Sentence of the Star-Chamber against Sir Thos. Lake his wife and daughter.

HARLEIAN MSS.

97, Art. 75. Order of Star-Chamber that Edward Noye Gent. shall upon the Dismissing of his cause pay £8 into the Court for Costs. 15 Jun. 41 Eliz.

161, Art. 3. A true Reporte of that which was laid to my (i. e. Peter Wentworth Esq.) Charge in the Starr Chamber by the Committees of the Parliament Howse, that same afternoone, after I had delivered the speech in the Howse; and my Awnsweres to the same, 8 Feb. an. 28 R. Eliz. [Another copy Harl. MS. 1877, Art. 45.]

299, Art. 7. A Decree in the Starre-Chamber against deviding of Tenements & placyng Poore to inhabit the same. Orderynge that the Poore so in possessyone shall pay to the Landlords of such Houses no Rents duringe their Lyves; and that after the deathe of such Poore, the same Houses to be pulled downe. Dat. 20th October, 1598.

305, Art. 2. Collections from the Records of the Court of Star-Chamber, concerning the Institution & Jurisdiction thereof, and of the Proceedings in the same. [The entire matter of this MS. is included in Harg. MS. 216.]

Art. 3. A Notation of the Rules & Fees of the Court of Star-Chamber, breifely collected according as they are nowe. [See also Harg. MS. 216, pp. 376–383, and Add. MS. 4521, Art. 2 —slight differences.]

353, Art. 8. A Proclamation that the Judges and Justices of the peace shale appeare before the Kings Counsell in the Starre Chamber datede 30th Aprille an. 1548.

398. A book formerly belonging to Sir Christopher Hattan, Lord Chancellor of England. It contains speeches of Lord Keeper Bacon in the Star Chamber. [See also Harl. MS. 1877, Art. 33, and Cotton MS. Vespasian, C. XIV, Art. 225.]

425. A book in folio containing papers of Mr. John Fox and bought of Mr. Strype.

Art. 8. Sentence pronounced in the Starre-Chamber by Sir Thomas More then Lord Chancellor, & afterwards executed, upon John Tindale, Thomas Palmer, & another for receiving & dispersing The New Testaments translated by William Tindale, 1530.

442. A Book in fol. bought of Mr. Le Neve, containing Copies of divers Proclamations of K. Edw. IV. K. Hen. VII. and K. Henry VIII.

Art. 32. A Proclamation commanding the Kings Commissioners of the Peace, of the Subsedie, of Sewers, & all other Commissioners, to appear in the Starre-chamber before the Lord Cardynall. Proclaimed in the Court of Chauncerie, 2 Julie, 18 Henr. VIII.

Art. 41. A Proclamation against Ingrossing, Regrating, & Forestalling of Corne, and for the furnishing of the Citie of London with Graine, and for bringing Graine to the Marketts to be sold, and for due execution of the Lawes made against Vagabonds, Beggers, unlawful Games, Alehouses, &c. 17 Nov. 19 Henr. VIII.

444, Art. 36. Ordinances for the Courte of Starre-chamber. [See also Harl. MSS. 2310, fol. 209.]

597, Art. 21. Information in Star-chamber of Sr. John Banks, Kt. Attorney-General, against Thomas Alderne, Sheriffe of the County of Hereford, for not putting in execution the King's Writ for taxing the County of Hereford, at 3,500l. for finding one Ship of War. dat. 3 Jan. an. 6 Car. I.

Art. 22. The Answeare of Thomas Alderne Esq., to the Information of Sir John Banks, Kt. his Majesties Attorney-General.

660, Art. 6. Weights & measures of England. This is taken out of the table in the Star Chambre to my rimebraunce. [MS. title. The two sentences are in different handwritings.]

859, Art. 4. Relation of the Trial of the Lord Vaux, Sir Thos. Tresham, Kt. Sr. William Catesby Kt. Mr. Powdrell, Mr. Gryffyth, his wife, & Mr. Ambrose Gryffyth his brother in the Starre-chamber, 15 Nov. 1581, chiefly upon the confession of Campion the Jesuit, at his being rack'd in the Tower; by which it should seem that the Prisoners had received him into their Houses & had heard

him say Mass. The Trial seems to be drawn up by Sr. Thos. Tresham. [See also Add. MS. 326. 6, and in Harl. MS. 6295, Art. 18, the decree of the Court against these men.]

980. A book entitled "Legulei Supellex, sive Analecta Histori-Politica," containing extracts from MSS and books, probably collected by Thomas Gybbons, Esq. [Abridged title.]

Art. 120. Of the Antiquity of the Court of Star Chamber.

Art. 137. Of a Decree touching clipped Money, made upon occasion of a Complaint in Star Chamber, 23 Nov. ann. 20 Henry VII.

Art. 139. Two Notes of particular Covenants made with the King for furnishing him with Soldiers. Ex Decretis Camerae Stellatae.

1330, Art. 1. Reports of Trialls in the Court of Star Chamber, from ann. 40 Eliz. to ann. 13 Jac. I.

1576, Art. 7. In Camera Stellata XXIII° Octobris. Notes of Mr. Attornies concerninge Dearestealinge.

Art. 8. Speech of King James I upon his coming into the Starre-Chamber, in order to sitt as Judge upon the Trial of one who had fought a Duell.

Art. 9. Another speech of the same King, made after that Triall before he gave the Sentence. [See also Lansd. MS. 160, Art. 91.]

Art. 66. The Lord Keeper Coventry his Speech, or Deliverie of his Charge, as he received it from his Majestie; to all the Judges of Assyse; by the Rule of Starre Chamber, in June, A. D. 1635. [See also Harl. MS. 1578, Art. 22.]

1692, Art. 21. A large Collection of Reports; temp. Jac. I. &c. among which, some are of Trials in the Star-Chamber.

2143, Art. 1. Abstracts or brief Reports of Trials in the High Court of Star-Chamber, in the several Reigns, to that of K. James I with the Orders made, or Sentences passed thereupon.

2217, Art. 55. Sir Robert Heath the Attorney Generals Information against Sir John Elliot, Mr. Denzil Holles, Mr. John Selden, &c. for their seditious & undue behaviour in Parliament: 7 Maii, ann. 5 Caroli Regis.

Art. 56. The Plea & Demurrer of John Seldon Esq; one of the Defendants to the said Information.

Art. 57. Information of the said Sir Robert Heath Attorney General, against Francis Russel Earl of Bedford, Robert Carre Earl of Somerset, John Holles Earle of Clare, Sir Robert Cotton Kt. & Bart., John Selden Esq. & Gilbert Barrell Gent. for transcribing & publishing a most wicked and pestilent Libel against the King. [See also Harl. MS. 597, Art. 23; Harg. MSS. 311, Art. 29, and 489, Art. 7; Stowe MSS. 153, Art. 9, and 159, Art. 1, fol. 15; Add. MS. 1200.19.]

Art. 58. The Answere of Frauncis Earl of Bedford to that Information.

2310. A paper Book in 12 mo, relating to proceedings in the Court of Starre-Chamber and, on the cover, dated A. D. 1638.

Art. 1. Orders made in Star-chamber by the Lord Keeper Egerton, 25 Maii, anno 38 Eliz. [Other copies Harg. MS. 237, Art. 3; Add. MS. 4521, fol. 27.]

Art. 2. Order of Reference, touching the Orders of 40 Eliz.

Art 3. The Certificate of the Right Honorable Thomas Lord Coventry Lord Keeper, Sir Thomas Richardson Knt. Lord Cheife Justice of his Majesties Bench, Sir Robert Heath Kt. Chief Justice of the Common Pleas, Sr. Humfry

Davenport chief Justice of the Court of Exchequer, & Sr. William Jones one of the justices of the said Bench: upon the Reference above mentioned.

Art. 4. An Order for confirming the Certificate, 14 Febr. anno 7 Caroli Regis.

Art. 5. Orders for the Reformation of the dilatorie Proceedings in the Causes preferred & presented in her Majesties most Honorable Court of Star-chamber; intended for the ease & expedicon of Suitors, and likewise, for explanacon of other former Orders heretofore taken in that behalfe; and for the Ease of the Court touching divers vn-necessary Mocons wherewith they are often troubled at the Barre. dated 22 Decembris anno 40 Eliz. [See also Stowe MS. 145, Art. 19, and Add. MSS. 4521, fol. 30, and 26,647.4, fol. 216.]

Art. 6. His Majesties Declaration concerninge the swearinge of Lords & other Noblemen in the Star-chamber. dated, 30 Novembris, anno 5 Caroli Regis.

Art. 7. Presentment of the Fees taken in the Court of Star-chamber; made 3 Maii A. D. 1598.

Art. 8. Order for Defendants not to referre to Answeres; nor Answer to Thinking, Knowledge, or Remembrance. dat. 27 Octobris, anno 28 seu 29 Eliz.

Art. 9. Order for Costs in the Attornies Causes, dat. anno 44 Elizabethae Reginae.

Art. 10. Order that any Man, not grieved, may sue in the Star-Chamber. 13 Febr. anno 8 Caroli Regis.

Art 11. An order against the excessive Number & Length of Interrogatories: 17 die Febr. anno 6 Caroli Regis.

Art 12. Order that no Plaintiffe, without speciall Permission, should exhibit any Bill the Copie whereof should exceed 20 Sheets, after the rate of 15 Lines per sheet. dat. 9 die Novembris, anno 3 Caroli Regis.

Art. 13. Order that no Person should exhibite any Bill, Answere, or Replication, the Copie whereof should containe above 15 Sheets, after the Rate of 15 Lines to the Sheet: 13 die Maii, anno 20 Elizabethae Reginae.

Art. 14. A like Order made 16 die Novembris, anno 35 Elizabethae Reginae.

4022. A thin paper folio, neatly written on 64 leaves, with this title, "Camera Stellata. The several Cases handled in the Court of Star-Chamber every Court Day in Easter and Trinitie Termes Anno decimo Caroli Regis, among which Mr. Myn's Case (the Clarke of the Hanaper) for extorting & exacting fees beyond the lymits of his Patent is at large debated, with his Answeare and the Court's Sentence against him, Anno Domini 1634."

4130, XVII. Account of Causes tryed in the Starr Chamber, 1631.

4990, Art. 14. A Decree of the Starr Chamber, 32 Eliz. against Sir Tho. Fairfax &c. for a Riot.

6055, Art. 1. The Debates in the Star-chamber on Wednesday the 8th November, 1620, about the Charter of London.

6056, Art. 6. A Proclamation for apprehending Walter Long Esq. & Wm. Strode Gent. to answer for seditious practices before the Star Chamber.

6265, Art. 19. Sentence in the Star-Chamber, 16 May 1582, against one Vallenger the Author & spreader of seditious Libels. [See also Add. MS. 326. 7.]

Art. 20. Sentence in the Star-Chamber, 8 May 1583, for contriving a Slander against the Archbishop of York, by conveying a Harlot into his Chamber & Bed. [See also Harl. MSS. 4990, Art. 7, and 7041, Art. 21.]

Art. 26. A Justification of Q. Eliz. in the Star-Chamber, 28 March 1587, in relation to the Execution of Mary Queen of Scots. [See also Add. MS. 326, Art. 15.

Accounts of Davison's trial will be found in Harl. MSS. 6807, Art. 15, and 290, Art. 109.]

6272, Art. 2. Copy of the Decree in the Star Chamber against Bp. Williams, 11th July, 1637. [See also Lansd. MS. 494, Art. 49, and Stowe MS. 159, Art. 1, fol. 38.]

6448. A new Discouery of the singuler Jurisdiccon of the high Courte of starre-Chamber and of all matters apperteyning therunto, the Eminent Judges of ye Court and the ofciers therof in ye First Parte. The second Parte Conteyning the whole generall proceedings of ye same Court, both by Bill or Informacon and by ore-tenus wth the sentence & Decree of ye Courte: And much other memorable matter touching y p^{r}misses, An^{o}: 1636. [A tiny book, highly laudatory of the Star Chamber.]

6612, Art. 2. King James's judgment of the Church of England, declared publickly in his Speech in the Star-Chamber, June 20, 1616.

6702, Art. 60. A grant of a Privilege from Arrests depending a Suit in the Star-chamber.

6807, Art. 13. Censure of Gervase Markham in the Star Chamber 27 Nov. 1616, for writing & publishing scandalous Letters, comprehending a Provocation of the Lord Darcy to a Challenge. [This account is dated 35 August, 1724.]

6811, Art. 2. Heads of Causes in the Star-Chamber temp. Hen. VII.

6815, Art. 78. The Oath & Accustomed Fees in the Star-Chamber. [See also Harl. MS. 3504, Art. 4.]

6846, Art. 120. Petition in the Star Chamber that Sir John Elliot & the other Members of the House of Commons may have free Access to their Counsel to visit them.

HARGRAVE MSS.

26. Reports of Cases in B. R., C. B., and Star Chamber in the time of Queen Elizabeth; with different Readings in the same reign. Among the Reports, fol. 571, is a Collection of Cases by Sir James Dyer, not in print.

27, Art. 4. Reports of Cases in B. R. and Star-Chamber, beginning Trin. 3 Cha. I and ending Trin. 7 Cha. I by Sir Nicholas Hyde, Chief Justice of the King's Bench.

219, Art. 18. Treatise of ye Starre chamber and power of ye Priuy Councell.

[MS. title. Internal evidence proves that the author of this treatise is William Mill, Lambard's friend and clerk of the Star Chamber in the reign of Elizabeth; for the writer, naming the successive clerks of the Court, says (p. 204): "And anno V^{to} Edwardi VI^{ti} the same office was granted in Reversion after the death of Thomas Eden to Thomas Marshe gent who then bare the seale befor the Lord Rich the Lord Chauncellour of England. And her Ma^{tie} now Raigning gaue the Reuersion of the said office to the now Lord Chamberlaine in recompence of service who procured the same by her Ma^{ties} Letters Pattents to George Christofers gentle. who Surrendering his Lettres Pattents it pleased her Ma^{tie} being certified of my long and painfull service in the office signified by Lettres written by the now Lord Chancellor to Mr. Secritary Walsingham who recommended the cause to her Ma^{tie} to grant the office unto mee." And Lambard says (Arch., pp. 162–3) that in 5 Edward VI the clerkship was granted in reversion to Thos. Marsh, who came into possession of it at the death of Thos. Eden in 9 Elizabeth, and that in 15 Elizabeth it came by reversion to William Mill.

This copy of the treatise, which is written in an engrossing hand, is not, however, of Mill's date, for on pp. 386–7 of this volume of MSS., among the miscellaneous papers relating to the Star Chamber written in the same engrossing hand, is given a list of "Fees taken in Mr. Mills his tyme and disalowed about 39 or 40 Eliz. Regina."

The treatise includes: "Anno Domini 1590 Elizabeth 32. A discourse concerning the Antiquity of the Starrchamber occasioned by Certeyne Articles made by the Attourneys against the Courte & Clerke of the same." Mill here gives, "The Articles of the Attourneys" against himself, "A Briefe Answer to the Articles," "The Reasons to maynteyne the Articles of the Attourneys," and answers to these reasons.

Another copy of this discourse Add. MS. 26, 647. 3. See in Lansd. MSS. 66, Arts. 98, 99, two letters from Mill to Burghley in regard to the attorneys' attack on himself.]

Art. 19 (p. 231). Of the Clerk and Officers of the Star-Chamber.

[This is written in the same engrossing hand as the preceding and, in spite of the blank leaf intervening, is really a continuation of it. This is shown by comparison with another copy of Mill's discourse concerning the antiquity of the Court which will be found in Add. MS. 4521, fol. 64. From this comparison it will be seen that the blank leaf in the Hargrave MS. is owing to the omission of the articles of 8 Henry VI for the regulation of the Council, which are referred to, but not quoted. In the Additional MS. those articles are quoted in full, and then follows, without any break, what is catalogued as Art. 19 of the Hargrave MS.]

Art. 22 (p. 261). The Ordinary Course of Proceedings in Causes depending in Her Ma^{ties} most honorable Court of Star-Chamber.

[In the same engrossing hand as the two preceding. An incomplete copy of this treatise will be found in Harg. MS. 482, Art. 1; and in Add. MS. 4521, fol. 1, is a copy of it which occasionally differs from this one in wording and contains two or three short passages here omitted.]

[The rest of this volume of MSS. consists of miscellaneous papers, all in the same engrossing hand as the above, which relate to the Star Chamber. In Add. MS. 4521 other copies of some of them will be found.]

237, Art 2. The Ordering of the Court [of Star Chamber] made by the Clerks of the Court for the L^{d} Keeper Williams, Michas. 1621, with the Fees due to the Court. [MS. title. With the exception of the two pages devoted to the fees of the Court, this is incorporated in Cotton's work in Lansd. MS. 639.]

404, Art. 5. Reports of Cases in the Star-Chamber A. D. 1638.

482, Art. 1. The ordinary Course of Proceedings in Causes depending in his Ma^{ts}. most honorable Court of Star-Chamber.

[This is comprised in Harg. MS. 216, as indicated above, but there follows immediately after it a treatise which, although it is in a different handwriting, receives no separate mention in the catalogue. This second treatise, the only heading of which is "Starre-chamber," is not comprised in Harg. MS. 216. It deals with the forms of procedure in the Star Chamber, beginning with a definition of Ore Tenus. It is dated, at the end, 29 Aprilis 1618.]

489, Art. 6. Observations concerning the course of Starre Chamber Proceedings. With Star-Chamber Cases 14, 15 & 16 Cha. I.

COTTON MSS.

CLEOPATRA: E. VI, Art. 28. An order of Henry VIII for the bishop of Lincoln to appear before him in the Star Chamber. Stamped with the king's name. Westm. Jan. 13.

TITUS: B. I, Art. 46. Acts necessary to be made at the Parliament of 1534, which confirmed the king's marriage with Anne Boleyn.

——— B. II, Art. 11. A summons for the judges and justices to appear in the Star chamber. West. May 5, 1548. [The summons itself is dated 30 April.]

——— B. V, Art. 72. A regulation by which clerks are to be allowed to the commissioners of the Star chamber and chancery in the remote counties.

——— B. X, Art. 49. Speeches in the Star chamber, concerning the affairs of Ireland. temp. Eliz. [See also Stowe MSS. 275 and 399, Art. 2, and Add. MS. 5495, p. 35.]

——— C. VII, Art. 7. The sentence of the Star chamber against the E. of Hertford. [See also Add. MS. 1786. 4.]

VESPASIAN: C. XIV, Art. 193. Proceedings against Henry Percy, E. of Northumberland in the Star Chamber. 1606. [A copy of the very severe decree of the Court against Northumberland will be found in Harl. MS. 589, Art. 15.]

——— Art. 228. Notes concerning a proceeding in the Star-chamber. [Really notes of cases Edward III to Elizabeth.]

STOWE MSS.

159, Art. 1. Star-Chamber Cases. [Judgments against the Earl of Suffolk, his wife, and Sir John Bingley, for taking bribes, &c, 12 Nov. 1619; information against the Earl of Bedford, the Earl of Somerset, &c, 1629; information against Sir Henry Yelverton, Attorney-general, and Robert Heath, Recorder of London, 20 Oct. 1620; "Censure" on the Bishop of Lincoln, 11 July, 1637; proceedings against William Prynne and Michael Sparkes, concerning the Histrio-Mastix, 15 Feb. 1634.]

397, Star-Chamber Cases. [Fols. 1–66, brief notes of cases in 1565, 1607, 1608, 1610–1615, 1617, 1621–1623. Fols. 67–188, a detailed account of the suit brought by the Crown against the City of London in the matter of the plantation of Ulster, 1635. At the end, an index to the first part.]

ADDITIONAL MSS.

15. 2. Answer to a bill in the Star Chamber against Alex. Leyton, M.D., for a book he wrote, 6 Car. I.

2531. 12. A discourse of the abusing of Dr. Sands, Archbishop of York, by Sir Rob. Stapylton and others, and the sentence passed upon them in the Starr Chamber, 1583.

4521. [A book, in one handwriting throughout, which consists entirely of copies of papers bearing upon Star Chamber matters. A number of these papers have already been quoted. The titles here given are taken from the manuscript itself.]

[Art. 3.] Affidauits of seuerall sorts used in the seruice & proceedings of the Court of Starrchamber.

[Art. 4.] The usuall course of orders graunted to ordinarie Motions in this honorable Courte of Starre-Chamber. [See also Harg. MS. 216, pp. 272–274.]

[Art. 9, fol. 104.] In Camera Stellata tempore Regis Henrici Septimi. [Apparently notes taken from the Star Chamber books of the time of Henry VII. See also Harg. MS. 216, pp. 291–307, where these notes are followed by others of cases during the reigns of Henry VIII and Elizabeth which are not found in this manuscript.]

[Art. 10.] By a Decree in the Starrchamber Sir Humphrey Browne knight one of the kings Serieants att Lawe, Sir Nicholas Hare knight also one of his graces Counsell att Lawe and William Conesby beinge the kings Atturney of his Dutchie of Lancastre, were Comitted to the Tower, for givinge Counsell agt. the kinge to the preiudice and defraudinge of him in his Right: Termino Hillarii, Lune the XXIII of Februarie. An°: XXXI. H. VIII. [See Hall's Chronicle, p. 837, and another notice of the case in Harl. MS. 980, Art. 138.]

[Art. 11.] The Submission of Sir Humphrey Browne knight, with a fine imposed upon him, for his offences aforesaid Tertio Pasch: An°: RRs. H. octaui XXXII Mercurii the XXVIII of Aprill.

[Art. 12.] A variance complayned of in the Starred Chamber betweene ye Mayor Aldermen & Comonaltie of the Cittie of Bristoll, on the one partie: And the Parishoners of our Ladie Ratcliffe: St Thomas the Apostle, and of the holy Crosse in the same Cittie of the other partie, touchinge a faire held in the said parishe of Ratcliffe aforesaid. Termino Trinitatis: Jovis XIII. Junii. an°: R. Rx XXXV. H. VIII.

[Art. 13.] An other Ordinance or Decree in the Starred Chamber touchinge the faire att Bristoll abouesaid: Tertio Pasche Martis XXVII of Maie an°: Regin Rs. XXXVI H. VIII.

[Art. 14.] An order in the Starred Chamber for the Ratinge of Costs in Consideracon of the dissoluinge of the Faire in Bristoll abouesaid Tercio Sancti Michaelis veneris XXIIII octobris An°: Regin Rx. XXXVI H. 8.

[The rest of the book consists of various decrees of the Star Chamber.]

5495. p. 61. Account of the arraignment of the Earl of Northumberland, 3 July, 1606.

11,574. Collection of papers relating to Trade, the Admiralty, Chancery, Exchequer, Star-Chamber, etc., formed by Sir Julius Caesar, Chancellor of the Exchequer and Master of the Rolls, temp. Jac. I. [The following titles are from the manuscripts and are in Caesar's handwriting.]

fol. 42. A copy of the Sentence in the Starchamber betweene An Day & others pl. ag. An Hungat & others defend. an. 1614, touch. a supposed ffine unduly procured.

fol. 48. The Breviate of the cause in the Starchamber betwene the K.'s Attourney pl. ag. Allen & Granville & Leveson def. 1616.

fol. 64. A Breviate of ye cause betwene Sir Arthur Mainwaring pl. & Gabriel Dennys def. in the Starch. an. 1617.

11,764. 1. Reports of several Cases in the Star Chamber, 9 Car. I. [The "Documents relating to the Proceedings against William Prynne," Cam. Soc., are partly taken from this manuscript.]

12,496. A volume of the Collections made by Sir Julius Caesar. [It contains notes on many Star Chamber cases — among others, on the case of Michael Burton *vs.* Lawrence Washington Esq. and others, 11 June. 22 Jac. I. (fol. 100).]

12,497. A similar volume of Sir Julius Caesar's Collections [comprising notes on Star Chamber cases, etc.]

12,511. [Contains, among other papers—]

p. 109. The proceeding in the Star Chamber against Sir John Hollis and others, for speeches used by them to (Richard) Weston, at the time of his execution at Tyburn, about the death of Sir Thos. Overbury, 19 Nov. 1615.

p. 151. An information exhibited in the Star Chamber, in May, 1629, by his Majesty's Attorney General (Sir Robert Heath) on behalf of his Majesty, against divers Parliament men, viz. (Sir John Eliot, Denzil Hollis, Benjamin Valentine, Walter Long, William Coriton, William Strode, John Selden, Sir Miles Hobart, and Sir Peter Hayman); with the arguments of Mr. (William) Mason, of Lincoln's Inn, for Sir John Eliot, and Mr. (Henry) Calthropp, on behalf of Benj. Valentine, and the resolutions of the judges of the King's Bench upon the case.

32,117. D. "Thexpences of the dyettes provided for the Queenes Ma^ties most honorable Counsell at her Graces Starre-chamber during this Hillary terme in the yeare of the raigne of our most soueraigne ladye queene Elizabeth etc., the XXXVI^th 1593 (4); together with "all manner of provitions necessarye for the furniture." [This is a careful account of the expenses of six Star Chamber dinners, and is signed by Sir John Puckering, Lord Keeper, and Burghley, Lord Treasurer.]

ADDITIONAL CHARTERS.

25,564—25,734. Acquittances for rents of Crown-lands, lands of recusants, subsidies, Star-chamber fines, Custom-dues, benevolences, pardons, etc., from 1564 to 1673.

MANUSCRIPTS IN THE GUILDHALL.

The nine volumes of manuscripts known as the Remembrancia, which are preserved among the archives of the City of London at the Guildhall, contain some interesting letters, in which there are references to the Court of Star Chamber, and many orders in Council dated "At the Star Chamber." Overall's Analytical Index to this series of records (London, 1878) contains abstracts of these manuscripts.

INTRODUCTION.

When, at the time of his regulation of the central judiciary in 1178, Henry II provided that five justices should remain at the royal court to hear the pleas brought there, he added this clause: "ita ut si aliqua quaestio inter eos veniret quae per eos ad finem duci non posset, auditui regio praesentaretur, et sicut ei et sapientioribus regni placeret terminaretur."[1] Superior to the Curia Regis with its new organization, therefore, were to be the King and the "wiser men" to whom lay an appeal in matters which exceeded the powers of the justices.

As the amount of judicial business brought to the royal court increased, the King and his personal advisers had probably gradually ceased to participate in it immediately, except when the interests of the King were specially involved, or the peculiar circumstances of the case made his personal interference desirable. But the King had never surrendered his right to exercise a personal jurisdiction. He at all times, of course, enjoyed an unquestioned right to exercise judicial function in conjunction with the Great Council.[2] Henry's provision for the hearing of knotty questions by himself and his council of "wiser men" indicates, however, a more general participation of the King in judicial work than that which was confined to the infrequent meetings of the Great Council. There is a special reservation of judicial authority to himself and the "sapientiores regni"—a term which certainly should not be understood to indicate a council such as the Privy Council of later history, but rather a larger body of looser organization, which embraced not only the great officers of state and household and specially chosen personal advisers, but also the justices of the kingdom. The appeal, therefore, from the Curia Regis to the King and the "wiser men" was not an appeal, it may be believed, from one body to another wholly distinct from it, but was rather an appeal from a smaller tribunal to a larger one in which the judges of the smaller sat.

On account of the anomalous conditions of Richard I's reign, arising from the fact that the King spent most of his time in Palestine, or loitering on his way to or from his kingdom, and could not, in the nature of things, take a very active part in the administration of justice, this special reservation made by Henry II in favor of the royal

[1] Gesta Regis Henrici Secundi (Rolls Series), Vol. I, pp. 207–208.

[2] Stubbs, Cons. Hist. of Eng., Vol. I, p. 401.

prerogative was probably very seldom, or even never, made use of in that King's reign. Yet the judicial prerogative of the Crown, independent of and superior to the great courts of the kingdom, survived not only Richard's reign, but also that of John, in spite of the paring down of the royal prerogatives which was effected at that time.

With the fuller development of the King's Continual Council — that is, from the minority of Henry III on — more and more of the peculiar judicial authority of the King was exercised through the Council. The Close Rolls show, says Sir Thomas Duffus Hardy, that in the early years of Henry III's reign the Council "had a direct jurisdiction over all the proceedings of the Courts below, with the power of reversing any judgment of those courts founded in error . . . . Judgment was given in matters tried before it upon petition. Persons were ordered to appear before the Council to show why they opposed the execution of the King's precepts: and, so also, persons aggrieved to state their complaints: and the aggressors were commanded to appear and answer the charges preferred against them."[1] Yet Bracton, in his classification of the King's courts in his *Tractatus De Actionibus*, which was written during Henry III's reign, makes no mention of the Council as a distinct judicial body. The Aula Regia or Curia Regis is, according to his account, the highest court of the kingdom, for he alludes to no other court to which questions arising in the Aula Regia were or might be referred. That he makes no reference to the King's Council as a judicial body must mean that the action of the Council in judicial matters was not even then fully distinguished from that of the Aula Regia, or that, in the eyes of those versed in the law, the jurisdiction of the Council was really irregular, as it had not been formally recognized. And the Council was, in fact, notwithstanding the large amount of judicial business which it actually transacted, less properly one of the great courts of the kingdom than a medium through which those courts were reached. Nevertheless the King's Council emerged from Henry III's reign a definitely organized institution; and a casual glance at the Rolls of Parliament of Edward I's reign is all that is necessary to discover its importance and the at least tacit recognition of its right to exercise a very large measure of judicial authority.

The most important part, although not all, of the Council's judicial work was done at this period in Parliament. "Habet enim rex," we read in Fleta, "curiam suam in Consilio suo in parliamentis suis, praesentibus

[1] Description of the Close Rolls, pp. 101–102.

praelatis, comitibus, baronibus, proceribus, et aliis viris peritis ubi terminatae sunt dubitationes judicorum et novis injuriis emersis nova constituuntur remedia, et unicuique justitia prout meruit retribuetur ibidem."[1] "Placita coram ipso Domino Rege et ejus Consilio ad Parliamenta sua" fill many pages of the Rolls of Parliament of this time, for while Parliament sat the Council sat as "a council within a council, or a council added to a council."[2] In other words, the Council sat in what may be called terminal sessions in conjunction with the sessions of Parliament.[3] Petitions for justice were addressed to the King, to the Council, or to the King and Council, and, until Edward I made special provisions for the dispatch of the bulk of the petitions by the judges, they came before the Council for hearing, when, unless the cause was one of great importance or of an unprecedented character, in which case it was reserved for the judgment and hearing of the King himself, they were referred to the Court within whose jurisdiction they fell.[4] Thus the King in his Council in his Parliament was a great extraordinary court — a court in which the judgments of the courts below were reviewed, and in which remedial justice was dispensed.

The jurisdiction of the Council was not, however, confined to cases in equity or cases in error. It exercised original jurisdiction over cases which specially concerned the King, or which exceeded the competency of the ordinary courts, and, as an enormous number of cases, with a not very great stretch of imagination, could be made to fall within the one or the other of these classes, its jurisdiction was by no means small. The gradual change which took place in equity jurisdiction, the gradual establishment of the Chancellor's equity functions on a more independent basis, led, however, to the transference to him of much of the equity work of the Council; and, as the equitable jurisdiction of the Chancellor continued to grow steadily, the result was a gradual absorption by the Chancery of no small portion of the Council's work. After this, perhaps in consequence of this, the Council by degrees underwent a change.

[1] Fleta (Rolls Series), p. 66. It is not to be understood that the Council exercised no jurisdiction except in Parliament. It transacted judicial business at all seasons, and its peculiar connection with Parliament after a time disappears. See Palgrave's Essay on the Original Authority of the King's Council, p. 34.

[2] Hale, Jurisdiction of the Lords House, p. 7.

[3] At this time Parliament, as a rule, sat at Christmas, Hillarytide, Easter, and Michaelmas. Stubbs, Vol. II, p. 275.

[4] Such replies to petitions as the following will be found in the Rolls of Parliament: "Sequatur versus justiciarios, & audiatur et fiat ei justicia," "Veniat Cancellariam, ut fiat ei quod graciose fieri poterit," "Eat coram Justic' de Banco."

The development of the Privy Council out of the Continual Council of the Edwards is shrouded in a mystery which it seems impossible to penetrate; but from about the reign of Richard II[1] there is traceable a change in the character and organization of the King's Council, which seems to increase as time goes on, although at no time is it possible to get a very clear idea of just what was the meaning of the change or how it came about. Some of the former members of the Council have dropped out and men who seem to derive their right to be present from the favor of the King or Parliament have taken their place. In this development of the Council one of the most marked changes is that the justices of the great courts of the kingdom, who formed so important an element in the older Council, have been excluded or pushed into the background.[2] Nevertheless they remain in some way connected with the Privy Council, although it is hard to say just what was the relationship which they bore to it. But they act rather as an advisory board of the Privy Council than as actual members of it,[3] and they, as well as the members of the Privy Council, were probably included in the Ordinary Council, a continuation apparently of the earlier Continual Council but now overshadowed by its offspring.

The association of the Justices with the Privy Council was more clearly defined and more fully recognized by the following "item" from the articles for the government of the Council which were adopted in the second year of the reign of Henry VI: "For asmuche that it is likly that many materes shul be treted afore the counsail the which toucheth the Kynges prerogatifes and freehold o that oo partie and other of his sougets o that other in the which matires the counsail is not lerned to kepe the K' right and the parties bothe withoute thadvise of the Kynges justices which ben lerned both in his prerogatifs and in his commune lawe. That in alle such materes his juges be called therto and their advise with their namys also to be entred of record what and how they determyne and advise therinne."[4] This was, in a measure, a recognition and restoration of the legal

[1] See Hardy, p. 104, and Stubbs, Vol. II, p. 274.

[2] Compare the membership of the older Council as given by Hardy, p. 96, with that of the Privy Council during Richard II's reign as given by Nicolas, Proceedings and Ordinances of the Privy Council, Vol. I, preface, pp. i–ii.

[3] The Justices of both Benches sat with the Privy Council on 10 February, 1403. See Nicolas, Vol I, p. 197.

[4] Nicolas, Vol. III, p. 151; Rot. Parl., Vol. IV, p. 201. The same provision appears in the Articles of 5 Henry VI and 8 Henry VI.

branch of the King's Council, and it will be found that after the adoption of these articles the Justices were more frequently present at the meetings of the Privy Council than formerly, although not as frequently as might be expected in view of the provision made. Whether they continued to be called into the Council during the period of the York kings, there is no means of determining, and when we again have minutes of the proceedings of the Privy Council its legal aspect has undergone another change. But the calling of them was rational and probably continued.

From the middle of Edward III's reign the extraordinary jurisdiction of the King's Council was the object of repeated complaints on the part of the Commons, who did not deny the necessity of its existence but wished to secure the co-operation of Parliament with the Council and to remove the abuse of its power—*i. e.*, the calling before it of matters which properly fell under the jurisdiction of the Common Law courts.[1] In the year 25 Edward III the Commons prayed that no freeman should be required to answer concerning his freehold or any matter touching life or limb, nor be fined or ransomed by information before the Council of the King or before any of the King's ministers, unless in accordance with the process of the law as in times past. The reply to this petition was: it pleases our lord the King that the laws of his kingdom should be held and maintained in force, and that no man be required to answer concerning his freehold, except by process of law—"mes de chose que touche vie ou membre, contemptz ou excesse, soit fait come ad este use cea en arere."[2] In the following parliament, however, the Commons were more successful. "It is accorded, assented, and established, that from henceforth none shall be taken by Petition or Suggestion made to our Lord the King or his Council, unless it be by indictment or presentment of the good and lawful people of the same neighborhood where such deed be done, and in due manner or by process made on writ original at the Common Law: nor that none be put out of his liberties nor of his freehold, unless he be duly brought into answer and forejudged of the same by course of law: and if any thing be done to the contrary it shall be redressed and holden as void."[3] In the second year of Richard II's reign the Commons prayed that no writ issued by the Chancery or letter under the privy seal should summon any one to come before the

[1] Busch, König Heinrich VII, p. 277.

[2] Rot. Parl., 25 Ed. III, Vol. II, p. 228, no. 6.

[3] 25 Ed. III, stat. 5, c. 4.

Council of the King to answer concerning his freehold or things appertaining thereto, but that the common law of the land should have its course. The Council answered in the name of the King that "it did not seem reasonable that the King should be restrained from sending for his lieges upon reasonable cause: but those who were summoned before the Council at their coming should not be compelled to answer finally concerning their freehold but should be sent where the law demands and the case requires, and put to answer in due course:—provided, nevertheless, that when, at the suit of any party, the King and his Council shall be credibly informed that on account of maintenance, oppression, and other outrages the common law cannot have its due course, that in such a case the Council may send for the persons of whom complaint is made in order to put him to answer for his misprision: and moreover at their good discretion to compel him to give surety by oath and in other manner as may seem best that he will not disturb the common law for the oppression of the people."[1]

Thus the efforts to restrict the powers of the Council availed little; and, although petition after petition was directed against it, statute after statute really gave to it a fragmentary legal basis by recognizing its authority in specific cases.

An ordinance of 13 Richard II for the government of the Council shows, however, some inclination to yield to the complaint against the interference of the Council in the realm of the Common Law, for it contains a provision that "les busoignes touchantes la comune ley soient envoiez pur estrs determinez devant les justices."[2] But the inefficiency of the Common Law was always a convenient excuse for the interference of the Council, and what concessions were obtained were worth little so long as the exact province of the Common Law was so ill defined that the Council could constantly encroach upon it without being forced to acknowledge that it had broken the promises made. The free action of the Council in Common Law cases was virtually secured in the second year of Henry VI's reign by the very sentence by which it appeared to be restricted. The provisions of that year "for the good of the gouvernance of this land, that the Lordes which ben of the K. Counsaill desireth" contained this "item": "that alle the Billes that comprehende materes terminable atte the Common Lawe, that semeth nought fenyd, be remitted there to be determined: but if so be that ye discrecion of the Counsaill feele to greet myght on

[1] Rot. Parl., Vol. III, p. 44.

[2] Nicolas, Vol. I, p. 18*a*.

that oo syde, unmyght oo that othir."[1] The true significance of the last clause is evident, and yet the Council seems to have felt this provision, even with so large a loop-hole, something of a restraint, for in 1426 another clause was added to the "item"—"orellus other cause resonable that shel moeve hem."[2]

Notwithstanding the success with which the Council had thus parried the thrusts aimed against its authority, in the reign of Henry VI an effort was made to strengthen it still further by an act of Parliament. Stat. 31 Hen. VI, c. 2, enacts that, inasmuch as the King "upon certain suggestions and complaints, made as well to him as to the Lords of his Council, upon divers persons of this his realm, for great riots, extortions, oppressions, and grievous offences by them done against his peace and laws, to divers of his liege people, hath given in commandment, as well by his writs under his great seal as by his letters of privy seal, to appear before him in his Chancery or before him and his Council at certain days in the same writs or letters contained, to answer to the premisses," and these commandments have been disobeyed, hereafter, if disobedience to such writs or letters continue, the Lord Chancellor shall have power to issue a writ of proclamation directed to the Sheriff, commanding him to make open proclamation on three successive days that the person to whom the writ or letter was addressed should appear before the King's Council or before the Chancellor within a month after the last day of proclamation. If the defendant did not appear within the month, then a second writ of proclamation was to be issued. A lord, duke, marquis, earl, viscount, or baron guilty of default after the first proclamation was to forfeit all offices, fees, annuities, or other possessions which he had received as gifts from the Crown, and, if guilty of default after the second proclamation, he was to lose for the term of his life the estate and name of lord and his place in Parliament. Offenders under the estate of a lord, and having a livelihood, were to make a fine at the discretion of the two Chief Justices; and offenders having no livelihood were to be put out of the King's protection.

From this statute are discovered the chief offences which the Council of Henry VI claimed the right to punish, as well as the process used by it, and although the statute was to endure but seven years, its influence is observable long afterwards in the process used by the Court of Star Chamber. The jurisdiction of the King's Council was evidently

[1] Rot. Parl., Vol. IV, p. 201.

[2] Nicolas, Vol. III, p. 214.

a large and indefinite one, since "great riots, extortions, oppressions, and grievous offences against the King's peace and laws" were terms which covered, or could be made to cover, a vast number of offences; and if with the accession of Edward IV the complaints against the Council ceased, it was not, we may rest assured, because the Council had seen fit to yield to the clamors of the past, but because the great power which it enjoyed under the York kings made complaint evidently useless.

At the accession of Henry VII, therefore, the King's Council possessed a large and but partially defined jurisdiction, the justification of which was found, in part in the inadequacy of the common law and of the rules of the Chancery, and in part in the inability of the courts of the kingdom to see that justice was done when might and right were ranged on opposite sides. The King's Council, in the usual meaning of the term at that time, was the Privy Council, but to the aid of the Privy Councillors the Justices were probably frequently, although not invariably, called when the business of the day was of a judicial nature. The Justices, although not members of the Council, shared in its judicial work.

A STUDY OF THE COURT OF STAR CHAMBER.

I.

As early as the reign of Edward III there are references to the "Camera Stellata," or "Chamber of Stars," at Westminster—a room near the Receipt of the Exchequer, said to have been in the outermost quadrangle of the palace and to have looked out upon the river.[1]

On 7 March, 29 Edward III, William de la Pole, Senior, appeared "in Camera Stellata" in the palace of Westminster near the "pons regium" before the Chancellor, Treasurer, Chamberlain, Lord Privy Seal, and others of the King's Council, and there restored certain charters and letters patent.[2] On 25 February, 35 Edward III, Sir William Conynsby gave bail "coram consilio domini regis in Camera Stellata" to keep the peace, to restore the money which he had extorted, and to deliver up the bonds which the petitioner sealed when under duress.[3] Again, in the fortieth year of the same reign, Isabel Falconberge appeared before the Chancellor, Treasurer, and others of the

[1] Stow, Survay of London, p. 391; Archaeologia, Vol. XXV, p. 348.

Various conjectures in regard to the origin of the name have been offered. Lambard suggests (Archeion, p. 154) that the name may have been derived from the Saxon word *steoran*, "to steer or govern," or from the fact that the room was full of windows; while Sir Thomas Smith, followed by Coke and Cowell, conjectures (Common. of Eng., Lib. III, c. 4) that the name was derived from a decoration of gilded stars on the roof. Stow actually states (Survay of London, p. 348) that it was so called "because the roofe thereof *is* decked with the likenesse of Starres guilt;" but this is plainly an inaccuracy, as no one else of that time had seen the stars on the roof. Blackstone, not content with any of these explanations, suggests that in this room were kept before the expulsion of the Jews their contracts and obligations, called in those days "Starra" or "Starrs," a corruption of the Hebrew word *Shetar*, a covenant; but this theory, which is strengthened by the fact that chests of documents were actually kept in the Star Chamber at a later day, has been refuted by John Caley, F.A.S., in his article, "On the Origin of the Jews in England," in Archaeologia, Vol. VII. Hudson has still another theory. Anxious to preserve at every point the dignity of the Court of which he was an officer, he has turned his eyes to the heavens and, comparing the King to the Sun and the judges to the stars shining by reflected light, has found in an astronomical metaphor an explanation which does more credit to his loyalty than to his sense.

[2] Close Rolls, 29 Ed. III, membr. 26, *dorso*. Another entry records that on the same day and in the same place appeared also before the Council Thomas and Edmund de la Pole, sons of the preceding.

[3] See Palgrave's Essay on the King's Council, pp. 64–65.

King's Council "en la chaumbre du conseil esteilles pres la rescette de leschequier;"[1] and in the following year the King, at the suit of Elizabeth, wife of Nicholas Daudeleye, caused James Daudeleye to come "deuant son conseil cest assauoir Chauncellor, Tresorer, Justics & autres sages assemblez en la Chambre des esteilles pres de la receite."[2]

In 1378 a pardon for a certain offence was granted to one Peter Gretheved of Flanders, but, the condition of the pardon not having been fulfilled, it was delivered to the Chancellor by John de Fordham, Keeper of the Privy Seal, before the Council at Westminster in the Star Chamber and cancelled;[3] and the minutes of the Council for 15 October, 1389, refer to a conference of some of the Lords of the Council in the Star Chamber.[4] In fact, it would appear that the Star Chamber was already set apart as a council chamber, for in 12 Richard II seven shillings were paid to one Henry Wynchester "for a certain Kalendar, purchassed of him for the King's use, viz. to be kept for the use of the Lords of the Council in the Star Chamber."[5] And the Councillors of Henry IV must have followed the custom of their predecessors, for, in the first year of Henry's reign, one John Ederyk, "usher of the receipt of the Exchequer," received payment for twelve cushions, tapestry, and "a dozen of green cloths purchased and provided by the same John by command of the Council, the said rich cloths and cushions provided for the advantage and accomodation of the Lords and nobility appointed to consult together on behalf of our said Lord the King in the Star Chamber within the King's palace of Westminster."[6]

During the reign of Henry VI the room was still used by the Council. In the third year of the reign one John Stoute received money for tapestry "made for the Lords of the King's Council, sitting in the Star Chamber;"[7] and the minutes of the Privy Council show that the Star Chamber, in Henry's day, was the customary meeting place of that body when sitting at Westminster.[8]

[1] Close Rolls, 40 Ed. III, membr. 3, *dorso*.

[2] Close Rolls, 41 Ed. III, membr. 13.

[3] Calendar of Patent Rolls, Ric. II, p. 276.

[4] Nicolas, Proceedings and Ordinances of the Privy Council, Vol. I, p. 12[c].

[5] Issues of the Exchequer, p. 237.

[6] *Ibid.*, p. 274.

[7] *Ibid.*, p. 393.

[8] Nicolas, Vols. III–VI *passim*. See also Kalendars of the Exchequer, Vol. II, p. 148, and Paston Letters, Vol. I, no. 76. Coke, Hudson, and Lambard quote the

Unfortunately the records of the Privy Council grow intermittent toward the close of Henry VI's reign, and at last come entirely to an end; consequently it is impossible to determine, with absolute certainty, where the Privy Council was in the habit of meeting during the reigns of Edward IV and Richard III. It would seem most natural, however, that the Council should continue to occupy its former quarters, and during this period the Star Chamber is referred to, in a number of instances, in a manner which indicates that the room still enjoyed a special association with the Council. Coke speaks of an exemplification of a complaint of Richard Heron against John Prout in 3 Edward IV, "coram rege & consiliariis suis in Camera Stellata" for a misdemeanor concerning wools.[1] In the Star Chamber on 16 November, 7 Edward IV, the King "by thavise of his Counsail" commanded the Chancellor to make writs of proclamation under the great seal according to the intent of the bill of John, Lord Strange;[2] and, in the eighth year of his reign, Edward sat in the Star Chamber with his Council and heard the cause of the Master and Brethren of St. Leonard's Hospital in Yorkshire against the inhabitants of some of the northern counties in regard to the right to a thrave of corn from each "Plow-land."[3] Again, in the thirteenth year of the same King, we hear that "en le sterre chamber deuant le counsaill le roy" it was debated whether, if one man bargained with another to carry certain bales and other things to Southampton, and then carried them to another place where he broke the bales and took the goods contained in them — whether this be felony or not;[4] and in 20 Edward IV a decree was published in the Star Chamber for the Abbot of St.

case of one Robert Danvers acquitted by the King's Council "in camera stellata" of the razure of a record. See Nicolas, Vol. IV, p. 166, where the minutes of the Council for 10 July, 11 Henry VI, include a memorandum of the appearance of Danvers and of his "excuse" by the Council. The minutes of the Council do not state, however, that the Council met in the Star Chamber on this occasion; but when the sitting of the Council is recorded simply as "apud Westm." it may probably be taken to mean, in general, "in Camera stellata."

[1] Institutes, 4th Pt., c. 5.

[2] For the bill and order of the Council thereupon see Palgrave's Essay, note FF. This is a good proof that the process legalized by stat. 31 Hen. VI, c. 2, continued to be used even after the legal expiration of the statute.

[3] Lambard, Arch., pp. 137, 152; Rushworth, Hist. Col., Pt. II, p. 476, quoted from Patent, 8 Ed. IV, pars 3, membr. 14.

[4] Year Books, 13 Ed. IV, fols. 9–10. It was moved by some to the Chancellor that this matter be determined at the Common Law and "nemy ici." The Chancellor replied that the suit was taken by a merchant stranger who came into the realm by

Edmund's-Bury against certain inhabitants of Bury for turbulent and unlawful elections.[1] The Year Books of Richard III's reign contain two interesting references to the Star Chamber. In Michaelmas Term, 2 Richard III, a Spanish merchant brought a bill "coram rege & Consilio in Camera Stellarum" against divers Englishmen, relating that he had been "depredatus & spoliatus" upon the sea near the coast of England and "per quemdam virum bellicosum de Britannia" had been deprived of a certain ship and the merchandise therein.[2] And we learn also that, in the same term, the King summoned all the justices into the *Interior* Star Chamber, and there, in the presence of the Council, they gave their opinion in regard to certain matters about which the King questioned them.[3] And in the Year Books of the first year of Henry VII it is recorded that Sir William Husee, the Chief Justice, addressing the justices in regard to the observance of the laws, said that when he was attorney to Edward IV all the Lords swore to observe the statutes, and then, an hour later, when they were in the "Star Chambre," he saw some of those very men make retainments "per oath & serment" and do other things in direct violation of their oaths.[4]

From these allusions to the Star Chamber it may be gathered that that room was still frequently used by the Council during the York period. Indeed, the manner in which Chief Justice Husee spoke of it shows that the room was used for a specific purpose which would be well known to his hearers. It seems safe to conclude that he used the term Star Chamber as an equivalent for the King's Council.

Passing on to the first years of Henry VII's reign, a few more scattered allusions to the Star Chamber can be picked up. In 1 Henry VII we hear of "the Ushershippe of the Receit and Sterre Chamber" granted by Letters Patent.[5] In 2 Henry VII the Treasurer of England received from Richard Lylbourne 6 l. 13 s. 4 d. "in full payment

safe conduct, and was not bound to sue according to the ordinary course of the Common Law, but ought to sue here where the matter would be determined according to the law of nature in the Chancery. Notice that merchant strangers were sued in the Court of Star Chamber at a much later day. See the case of the Dutch Merchants in the reign of James I.

[1] Lambard, pp. 138, 152; Coke, Inst., 4th Pt., c. 5, quoted from Rot. Pat. 20 Ed. IV, pars 2.

[2] Year Books, 2 Ric. III, fol. 4.

[3] *Ibid.*, fol. 22.

[4] Year Books, 1 Hen. VII, Mich. Term, no. 3.

[5] Rot. Parl., Vol. VI, fol. 366*b*.

of the twenty marks of the fine, lately made by him in respect to certain matters, in the presence of the King & his council in the Star Chamber."[1] On the seventh of November of the same year the Chancellor and other prelates and magnates of the King's Council were in the Star Chamber, and the Scotch King's ratification of a "treuga" was placed "in cophino quadrato" marked "Scoćia."[2] And, according to the Year Books again, on one occasion in 2 Henry VII the justices of the Common Bench, desiring advice, "surrexerunt & allerent al' Chancelier & Seigniors de Star-Chambre."[3]

Even these references to the Star Chamber would justify an assertion that it was still commonly used as a council chamber in the opening years of Henry VII's reign. And again the Year Books give to "the Star Chamber" a technical meaning. But there is further evidence. In Harl. MS. 6811, Art. 2, will be found some painstaking notes of business transacted by Henry VII and his Council in the Star Chamber, which go to prove that the Council sat in the Star Chamber at least ten times during the first and second years of that King's reign; and Lambard, who no doubt had access through his friend William Mill, clerk of the Court of Star Chamber in the reign of Elizabeth, to all of the Star Chamber records, says he had seen it registered that Henry VII sat in judgment with his Council in the Star Chamber *twelve* times during the first two years of his reign.[4] Of still greater value is the evidence preserved in Add. MS. 4521, Art. 9, and Harg. MS. 216. In the Add. MS., beginning with fol. 104, and in the Harg. MS., beginning with p. 291, will be found some lengthy notes from the "Liber Intrationum," the Book of Entries, of the Star Chamber.[5] The first entries transcribed belong to the first two years of Henry VII's reign and are worthy of quotation in full:

[1] Materials for History of Reign of Henry VII, Vol. II, p. 91.

[2] Kalendars of the Exchequer, Vol. III, p. 45.

[3] Year Books, 2 Hen. VII, Mich. Term, fol. 9.

[4] Archeion, p. 139.

[5] Harl. MS. 305, Art. 2, is another copy of this portion of Harg. MS. 216. Add. MS. 4521, Art. 9, alone furnishes the clue as to the source from which the extracts are drawn, for in that MS. only are found the heading "In Libro Jntrationum," etc., and the first two notes following. I have not hesitated to accept these extracts as what they pretend to be — partly because the two MSS., with their inexplicable similarities and dissimilarities, are some guarantee for each other; partly because they have every appearance of genuineness; partly because a fabrication of such a nature would have been too easily detected at a time when the Star Chamber books were still preserved at the Star Chamber and constantly open to search; partly, and not least, because Lansd. MS. 83, Art. 72, Harl. MSS. 980, Arts. 137 and 139, Harl. MS. 6811, Art. 2, and, in a way, Lansd. MS. 160, Art. 92, furnish further evidence in favor of their genuineness.

"In Libro Jntrationum de Anno primo et secundo henrici. 7.mi IX Febr.

Daies given of Aunsweare of bringinge of Euidence of proafes of Replication	Oxford Nottingham
A Cause Contynued to XVna Pasche by Consent of both parties	Vrsall

See XVIto. XVII et XVIII. Martii, Quarto et Quinto Aprilis eodem Libro: upon all which Dayes (if anie note be True) the Courte did sitt without the Lord Chauncellor or anie other afore made judges,[1] but for these see the booke itselfe

Anno primo. hen. 7.mi (p. 30; 68).[2]

The Lord Powes enioyned to bringe forth Griffeth Caron to Aunsweare Dauid Goughe XVa Pasche subpa: Cli.

The L. Lisle and Brightmere and others dismist of the Riott, For that the Kinge himselfe would heare the same as his Atturney made Certifficate.

The Kinge.

Elyen Canc.	Marques[3]
Cycestren	Nottingham
Norwicen	Huntingdon
Rocestren	Welles
Mr. Foxe	Lisle
Mr. Hill	Audeley
Mr. Morgan	Dirham[4]
Mr. Baylie	St. Johnes
Beauchampe	Chamberleyne
Ormond	Mountgomerie
Bouchier	Tunstall
Savage	Toketts
Lincolne	

Hody.[5]

This Book of Entries was probably the first of the books mentioned as delivdere to Bacon in 1608. That book contained orders beginning with the first and second years of Henry VII and ending in the thirtieth year of Henry VIII. The first extracts here given show that the orders recorded in the Book of Entries also went back to the first and second years of Henry VII, and a note of an entry added in Harg. MS. 216 shows that they extended at least to 11 Henry VIII.

The Star Chamber register seems to have borne several names. It was also called the Book of Acts. *Vide* Rymer's Foedera, etc., Tom. XVIII, p. 194.

[1] Referring to the judges named in stat. 3 Hen. VII, c. 1.

[2] All passages placed within parentheses occur in Harg. MS. 216, but not in Add. MS. 4521.

[3] Some name is omitted here, or else this is to be taken with the name below.

[4] Dinham in Harg. MS. 216 and Lansd. MS. 83, Art. 72.

[5] Attorney general.

The Maior to be Comoned [communed] with by the Lords att the Fryars att afternoone. Robin of Riddesdale[1] sent for to the Towne (the Priviledge of St. Cuthbert to bee seene in the meane tyme. The Earle of Northumberlands servants to bring him to Pomfrett or to Nottingham then some other to receive him and bring him upp). A Bull to be Translated into Englishe by my Lord of Lincolne.

The Kinge XV^to^ Junii.

Communication for the Coyne (with Mayor but noething passed). The Scotts to be answeared (at three in the afternoone to morrow).

The Kinge XVIII^uo^: Junii.

A Peace Concluded with the Kinge of Scotland and the meane Compromitted to the Pope, or else, two of this Realme, and two of Scotland, to be deputed to examine the Cause of both Parties (and that the peace breacke not but upon an edict of VI months or IIII weekes warneinge).

The Kinge X^mo^ July.

Elien Canc.	Dymocke[3]
Wigorn	Lincolne
Norwicen	Darby
Lincoln	Nottingham
Lisle	Huntingdon
St. Johnes	Welles
Dirham	Ormond
Delewarre	Beauchampe
Mr. Foxe	Audeley
Mr. Morgan	Matrevers
(Mr. Baylie)[2]	Sir Tho: Bourchier

[1] Could this be the Robin of Redesdale of the rebellion of 1469? Or had another taken the name? Under the date 16 November, 20 Henry VII, occurs this entry: "In the cause of Riddesdale of Felonies, Roberies, and murders by the inhabitants there done to be reformed. (It was thought that in respect of the priviledge of the place the Lord thereof was bound to see reformation . . . . and it was thought fitt to send in Comission to the sh[e]reiffe of Northumberland and others to make inquiry of such misdemeanors and the Lord Dacre offered to deliuer the names of XL^ty^ persons outlawed of felony and other misdemeanors abideing and dwelling in Riddesdale). The Lord Dacre havinge the graunt of the same Fraunchise for yeares of Sir George Tailbos knight, Lord of the same, was bound in 1000 marks, that accordinge to graunts made by the Kinge and his progenitors &c to avoide the same Countrie of wolues and theeues."

In 1518 there were again troubles in Riddesdale. *Vide* Cal. State Papers, Domestic, Hen. VIII, Vol II, no. 4676.

[2] This name occurs both in Harg. MS. 216 and Lansd. MS. 83, Art. 72.

[3] Solicitor general.

Mr. Ainsworth	Don
Mr. Gunthorpe	John Gilvord
R. Gilvord	Lovell
Braie	Ratcliffe
Nanfaunt	Cornbroughe
Hody	Tocketts

It is Concluded and agreed, that euerie Lord and gent, if anie of his servants make a ryott, or other excesse, the M^r^ of the same Trespassor shall haue in Comaundement to bringe forth the same servant, And if he doe not to bide such direction and punition [*punishment*, Harg. MS. 216] as by the Kinge and his Counsell shalbe thought Convenient. And ouer that if the same ryott or accesse arise by cause or occasion of anie quarrell or displeasure Concerninge the M^r^. of him that soe exceedeth, the same M^r^. shall aunsweare for the same excesse, in such wise as shalbe thought to the Kinge, and his said Councell expedient."[1]

The nature of the business, shown by these notes to have been transacted in the Star Chamber during the first two years of Henry VII's reign, and the number and character of those present at the meetings at which the business was transacted, make it impossible to believe that the entries in the "Liber Intrationum" were anything but minutes of meetings of the King's Council. It may even be justifiable to infer that this was the book in which the minutes of the Council at that time were regularly recorded when the Council was at Westminster;[2] and, when taking into consideration the further evidence we

[1] Lansd. MS. 83, Art. 72, is a transcript of the year 1588 of this order. There follows in that MS., in the same handwriting, a copy of an order of 29 January, 16 Elizabeth, which was evidently modelled upon this one. "It is orderid that in all matters of Riott herafter where the same is committed by the servant by the M^r^ procurement or by anye other principall Riotter, The fyne taxed uppon the servant or him so procured shalbe paid by the M^r^ or principall Ryottor. Or els the M^r^ or principall shall bringe fourthe the servant or persons so procured to be committed to the ffleete for theire offence. Which doinge they shalbe dischardged of the said ffynes: And the servant or person procured shall remaine in the ffleete tyll the haue founde suertyes for the fyne so taxed into Theschequor. And all Riottors convictt not to be inlarged before theire fines paid for suertyes put in for the payment therof as before into the said Courte of Eschequor."

It is of interest to notice that, while over thirty persons, including the King himself, were present when the earlier order was made, only seven were present when the order of 16 Elizabeth was made. Those seven were: the Lord Keeper, the Earl of Leicester, Lord Hunsdon, Lord Norris, Knowles, Mildmay, and Dyer, Chief Justice of the Common Pleas.

[2] The Register or "Book of the Council" was apparently discontinued after 1435. There is no satisfactory evidence that between that time and 10 August, 1540, when

have of the use of the Star Chamber by the Council, it would again seem safe to assert that that room was the habitual Westminster meeting place of the Council in the first years of Henry VII's reign, as it undoubtedly was in the reign of Henry VI, and as it probably was in the reigns of Edward IV and Richard III.

Now, in the third year of Henry VII was passed a statute (stat. 3 Hen. VII, c. 1) to which Caxton, when he printed, almost immediately after their enactment, the statutes of Henry's first three parliaments, gave the title "Yeuynge of lyuerey &c," but which, in the Rolls of Parliament, is accompanied with the marginal heading "Pro Camera Stellata." The preamble of this statute is a striking comment upon the condition of the kingdom. "First the King our said sovereign lord remembereth how by unlawful maintenances, giving of liveries, signs and tokens and retainders by indentures, promises, oaths, writings or otherwise embraceries of his subjects, untrue demeanings of sheriffs in making of panels, and other untrue returns, by taking of money by juries, by great riots and unlawful assemblies, the policy and good rule of this realm is almost subdued and for the not punishing of these inconveniences and by occasion of the premises, nothing or little may be found by inquiry, whereby the laws of the land in execution may take little effect to the increase of murders, robberies, perjuries and unsureties of all men living and losses of their lands and goods to the great displeasure of Almighty God." After this preamble the statute enacts, for the reformation of the premises, "that the chancellor and treasurer of England for the time being and Keeper of the King's privy seal or two of them, calling to them a bishop and a temporal lord of the King's most honorable Council and the two chief justices of the King's Bench and Common Pleas for the time being, or other two justices in their absence, upon bill or information put to the said chancellor for the King or any other against any person for any misbehaving afore rehearsed, have authority to call before them by writ or privy seal the said misdoers and them, and others by their discretion by whom the truth may be known, to examine and such as they find therein defective to punish them after their demerits after the form and effect of statutes thereof made in like manner and form

a new Register was begun, any regular minutes of the proceedings of the Council were kept, but, as Nicolas has pointed out in his preface to the seventh volume of the Proceedings and Ordinances of the Privy Council, it is not altogether safe to conclude that no records of the proceedings were kept during that interval, since it is known that there was a clerk of the Council in the reigns of Edward IV and Henry VII.

as they should and ought to be punished if they were thereof convict after the due order of the law."

It will be noticed that nowhere in the body of this statute is there any mention of the Star Chamber, and yet the statute bears the title "Pro Camera Stellata" in the Rolls. Now, if the name "Star Chamber" was used in a technical sense at this time, in all probability, as has been shown, it was a synonym for the King's Council, and the title "Pro Camera Stellata," therefore, must have been understood to mean "Pro Consilio Regis." Nor does the application to the statute of this title, granting that it had that meaning, seem, even on the surface of things, out of place, for the tribunal empowered was mainly drawn from the Council. The Lord Chancellor, the Lord Treasurer, and the Lord Privy Seal were all members of the Council, and the bishop and the temporal lord who were to serve with these officers were also to be taken from the number of the King's councillors. The justices alone of the members of this tribunal were not members of the Council, but, as has been pointed out, special provision had been made in the reign of Henry VI for summoning them to the meetings of that body on occasions when the help of legal knowledge seemed essential, and they probably belonged to that larger council, the Ordinary Council, about whose purpose and composition little is known. At least, as Lord Bacon once said, the judges were "a kind of council of the King's by oath and ancient institution."

It was the common belief in the days of Elizabeth and of the Stuarts that the Court of Star Chamber, so well known then, was created by this statute of Henry VII, and the common complaint against it that it had transcended the jurisdiction which that statute had accorded to it. Nor was it the common herd alone which traced the Star Chamber to Henry's statute. Stat. 5 Elizabeth, c. 9, contains a provision "that this act, or any therein contained, shall not extend in any wise to restrain the power and authority given by act of Parliament made in the time of King Henry the Seventh, to the Lord Chancellor of England and others of the King's Council, for the time being, to examine and punish riots, routs, heinous perjuries and other offences and misdemeanings: which Lord Chancellor and others sithence the making of the said act have most commonly used to hear and determine such matters in the Court of Westminster commonly called the Star Chamber." That it was believed by those who drew up this statute, little more than half a century after the death of Henry VII, that the Court of Star Chamber came into being during his reign, and

had had a continuous existence up to that time, this leaves no room to doubt. Moreover, the very statute which abolished the Court (stat. 16 Car. I, c. 10) traced it back to Henry VII's statute.

Yet there was certainly a marked discrepancy between the infamous Star Chamber of the seventeenth century and a tribunal formed according to a literal reading of stat. 3 Hen. VII, c. 1. Such a reading of the statute would give to the court six, or at most seven, judges — the Lord Chancellor, the Lord Treasurer, and the Lord Privy Seal, or two of them, a bishop and a temporal lord of the King's Council, and two justices — and a jurisdiction over seven offences — unlawful maintenance, giving of liveries, signs, or tokens, retainers by writing or otherwise, embraceries of the King's subjects, untrue demeanings of sheriffs in making of panels, or other untrue returns, taking of money by juries, great riots, and unlawful assemblies. But in the seventeenth century, while the Lord Chancellor, Lord Treasurer, and the Lord Privy Seal were still the presiding judges, and the two Chief Justices were still standing judges of the Court, the number of judges in addition to these was far greater than was apparently justified by stat. 3 Hen. VII, c. 1, and stat. 21 Hen. VIII, c. 20, which recited the earlier statute and associated the President of the King's Council with the Lord Chancellor, etc., in the execution of it. The jurisdiction of the Court, too, was very far from being confined to the offences enumerated in the statute.

Sir Thomas Smith, who wrote his discourse on the Commonwealth of England in 1565, says (Lib. III, c. 4): "The judges of this Court [of Star Chamber] are the Lord Chancellor, the Lord Treasurer, all of the Queen's Majesty's Counsell, the Barons of this land;" and again he says: "the Lord Chancellor, and the Lords and other of the privy Counsell, so many as will, and other Lords and Barons which be not of the privy Counsell, and be in the town, and the judges of England, specially the two chief judges . . . . sit in a place which is called the Starre Chamber." And Cowell, writing in the reign of James I, says: "It appeareth both by Sir Thos. Smith . . . . and by experience also that at this day the whole number of the Prince's most honorable Privy Councell and such other Barons spiritual or temporal as be called thither by the Prince shall have place in this Court." Coke in naming the judges of the Court (Inst., Pt. IV, c. 5) enumerates "the Grandees of the Realm, the Lord Chancellour, the Lord Treasurer, the Lord President of the King's Councel, the Lord Privy Seal, all the Lords Spiritual, Temporal, and others of the King's

most honourable Privy Councel and the principal judges of the Realm and such other Lords of Parliament as the King shall name;" but he afterwards says: "So, this Court being holden *Coram Rege et Concilio*, it is or may be compounded of three several Councels. That is to say, of the Lords and others of his Majesties Privy Councel, always judges without appointment. . . . . The judges of either Bench and Barons of the Exchequer are of the King's Councel for matter of law, &c. and the two chief justices, or in their absence other two justices, are standing judges of this Court. The Lords of Parliament are properly *De Magno Concilio regis* but neither these, being not of the King's Privy Councell, nor any of the rest of the Judges and Barons of the Exchequer, are standing judges of this court."

A claim to sit in the Court without special summons, made possible, perhaps, by the haziness which of old enveloped the distinction between the *Concilium Regis* and the *Magnum Concilium*, seems actually to have been put forth occasionally by Lords of Parliament not members of the Privy Council. Hudson in his Treatise on the Star Chamber relates that he himself had heard "a great lord, yet living, claim his right of sitting there in open court; to whom the Lord Chancellor Ellesmere gave this answer, that he knew not whether it were his master's pleasure that that question should be determined that day: but some other of the presence maintained stifly the baron's right which seemeth to be agreeable with justice: for it is undoubted that Henry earl of Lincoln and the Lord Grey, and divers others which were not of the council of State, were present, and sat and gave judgment when Mr. Davison was sentenced. And how they were competent judges unsworn, if not by their native right, I cannot understand, for surely the calling of them in that case was not made legitimate by act of parliament, neither without their right were they more apt to be judges than any other inferior person in the Kingdom: and yet I doubt not but that it resteth in the King's pleasure to restrain any man from that table, as well as he may any of his Council from the board."[1] William Mill, on the other hand, takes some pains to disprove that the Barons in general had a right to sit in the Court. In his "Treatise of ye Starre chamber and power of ye Priuy Councell" he writes: "There is a fee appointed to the Clerke of the Councell to bee

[1] When speaking of the judges of the Court Hudson says (p. 36) the number is "now much lessened since the barons and earls not being privy councillors have foreborne their attendance."

taken of every one soe admitted [*i. e.*, to the King's Council] according to their seuerall degrees viz.t for the admittance of euery Arch Bishop and Duke to the Councell xx^{s} of every Bishop and Earle xiii^{s} iiii^{d} of every viscount and Lord x^{s} of every knight and other persons vi^{s} viii^{d}. And from hence doe I gather that to bee true which my father being a man of longe service in that place hath offten tould mee that noe man should sitt in ye Courte but if hee were sworne of the Councell. And that the Clerke of the Councell should goe unto him and declare unto thim that hee ought not to sitt there but if hee were sworne, for to that end, as I coniecture, both the entrie & the fee were appointed, that the Clerkes might take notice of the person soe admitted and sworne. Anno quinto of her Ma^{tie}, in the case of the earle of Hertford, there were assembled a greate number of the noble Baronns of this Realme not beinge of the Councell who offered there to sitt, but at that tyme it was declared unto them by the L. Keeper that they were to giue place & soe they did and diuers of them tarryed the hearing of the Cause at ye barr."[1]

Whether or not all the Barons of the land had a well-founded claim to sit as judges in the Court of Star Chamber, it is beyond question that from the beginning of Elizabeth's reign — and we may safely say as early as the reign of Edward VI, since Sir Thomas Smith, as one of Edward's secretaries, must have been thoroughly acquainted with the Court at that time and would surely have mentioned any change of an important nature in its constitution — the right of all the members of the Privy Council to a seat in the Court was fully recognized.

The jurisdiction of the Star Chamber in its later days is thus summarized by West in his Symboleography (fol. 337): The Star Chamber "censureth the oppressions, quarrels, contentions, injuries, routs, riots, and unlawful actions, perpetrated most commonly by insolent, forcible, and powerful parties, and no mean persons, against some private subject. It punisheth sundry other sorts of offences, conspired against his Majesty's person, such as are under the degree of treason; offenders also against the persons of the nobility and states of the realm, as *Scandalum Magnatum* and the like: also duels and private challenges made between party and party, contrary to his highness edicts and proclamations, and any libellous or seditious speaking or writing against the public state, or against private persons, Perjuries, forgeries, conspiracies, subornations, maintenance, champerties, and such corrupt

[1] Harg. MS. 216, p. 202.

dealings are there likewise heard and the offenders punished." Hudson does not claim much more for the jurisdiction of the Court when he says (Pt. II, § xv): "In a word, there is no offence punishable by law, but if the court find it grow in the Commonwealth this court may lawfully punish it, except only where life is questioned."

If the Court of Star Chamber which condemned Leighton and Prynne in the reign of Charles I exercised this almost unlimited jurisdiction and had for judges as many of the Privy Council as chose to act in that capacity, how could it be traced to stat. 3 Hen. VII, c. 1? How could the evident discrepancy between it and the tribunal of that statute be accounted for? Did Henry VII's statute, after 21 Henry VIII (up to which time it was undoubtedly in force, for, as has been said, it was recited in the statute of that year which added the Lord President of the King's Council to the judges named in it), in reality cease to be regarded, while the tribunal which it established was gradually replaced by an institution, the later Court of Star Chamber, which had little in common with the earlier one and was even more closely identified with the Council? Or was stat. 3 Hen. VII, c. 1, commonly misinterpreted? Was it a mistake to suppose that the purpose of that statute was to create a new tribunal distinct from the Council and strictly limited as to membership and jurisdiction?

In order to make the former theory tenable it would be necessary to show that the membership and jurisdiction of the Court up to 21 Henry VIII were in accordance with Henry VII's statute, and that after that time a rapid growth or a sudden change in both of these respects took place. To justify the second theory it would be necessary, on the other hand, to show that even before 21 Henry VIII the Star Chamber was not ordered according to the general seventeenth-century interpretation of stat. 3 Hen. VII, c. 1, but had a membership and a jurisdiction altogether inconsistent with it and attributable to the relation of the Court to the Council. The records of the Court of Star Chamber are sadly decimated, but such as remain, together with some early notes from those which are lost, give no inconsiderable help to the investigator seeking to decide between these theories.

First of all, however, it should be said that of the early writers on the Star Chamber, all of the most important emphatically deny that that Court owed its foundation to Henry VII's statute. Hudson speaks of the opinion that the Star Chamber was created by that statute as "a doating which no man that had looked upon the records of the Court would have lighted upon;" while Mill, who had taken the

trouble to go through, not only the records preserved at the Star Chamber, but those in the Tower as well, and to make copies of such statements in the Tower records as threw light upon the antiquity of the Court, says: "I doe acknowledge this to be an opinion ignorantly receiued of many but aproved of none that hath knowledge of the Court. And that Attourney or Clerke whatsoever that taketh benefitt of the service of this Courte and can speake no better for it, nay that will speake soe highly against it, I hold him not worthy to tarry in it. I assure them it pleaseth not mee to heare that the honorable Antiquity thereof should bee soe defaced by the servants of the same. Mr. Lambert hath lately sett forth his minde Concerning this pointe in question."[1] Lambard's "minde," as might be inferred, was that of his friend Mill.[2] Coke, too, rejected the idea that the Star Chamber originated with Henry VII's statute. And when Chambers, in 1629, in the Exchequer, ventured to resist the judgment of the Court of Star Chamber on the ground that statute 3 Hen. VII, c. 1, the foundation of that Court, did not give it authority over the offence of which he was accused, "all the Court informed him that the Court of Star Chamber was not erected by the statute of 3 Hen. VII, but was a court many years before."[3]

[1] Harg. MSS. 216, pp. 214–215. At the beginning of his Treatise on the Star Chamber Mill writes: "There was a tyme when there grew a Controuersie betweene the Star Chamber and the Kings Bench for their Jurisdiction in a cause of Periury concerning Tythes Sir Nicholas Bacon that most graue and worthy Councellor then being Lord Keeper of the greate Seale of England and Sir Robert Cattelyn knight then L. Cheife Justice of the Bench. To the deciding thereof were called by the p^{lt} and def^{t} a greate number of the learned Councellors of the Law. They were called into the Inner Star Chamber after dynner where before the Lords of the Councell they argued the Cause on both sides but could not finde the Court of greater Antiquity by all their bookes then Henry the seaventh and Richard the third. Upon this I fell in Cogitation how to finde some further knowledge thereof. And first I made tryall of my selfe in our owne bookes where I found diuers things that drew the same to Edward the fourth and noe further. Then haueing Acquaintance with Mr. Michaell Hennage, a man of singular Commendation for his paines where hee serveth, I offered my selfe and my service to him to ayde him in sortinge of recordes in the Tower. And desired for my paines to bee rewarded with the Coppies of the Recordes of any thing that did tend to the proofe of the Antiquity of the Starr-Chamber. And there found diuers presidents of soe notable a memory for this matter as I assure you the very pleasure of them did recompence my paynes. And because their worthynes may not bee kept from the knowledge of your wisdomes apperteyning to the matter in question give mee leave by your fauor to shew you the same." Mill then quotes some of those early references to the Star Chamber which have already been cited. These he believed to be proofs of the still greater antiquity of the Court.

[2] See Appendix.

[3] Rushworth, Hist. Collections, Pt. I, pp. 676–677. Croke's Reports, Pt. IV, p. 168. According to Harg. MSS. 216, p. 347, Lord Burghley, at the hearing of a

This consensus of opinion on the part of these early authorities on the Star Chamber is of less value than it would be if they were not men who were anxious to do honor to the Court. Hudson and Mill as officers of it, Lambard as the friend of Mill, Coke as one who frequently sat in the Court as a judge, were all likely to be prejudiced in judgment, and the notorious subserviency of the Law Courts to Charles I lessens the value of the reply to Chambers. Yet the opinion of those who lived at a time when that Court was not merely a subject of antiquarian research, but a very living thing, and when records now no longer in existence were at hand which helped to back up their statements, cannot be lightly cast aside. And Hudson and Mill, at least, had consulted the records at first hand with a view to settling this very question. Perhaps it is pardonable, therefore, to start, in an investigation which the disappearance of the most valuable records of the Court must make, at best, unsatisfactory, with a bias in favor of their opinion, and it is believed that such Star Chamber records as are preserved at the Public Record Office, and some papers scattered among the manuscripts at the British Museum, will go far to establish the justice of it.

The first notes from the "Liber Intrationum" in Add. MS. 4521 and Harg. MS. 216 have already been given. The notes of later entries, beginning with the year 3 Henry VII, are of great interest. They show that, while much business which belonged unquestionably to the jurisdiction of the tribunal of stat. 3 Hen. VII, c. 1, by the provisions of that statute was actually transacted in the Star Chamber, much judicial business which the words of the statute, strictly interpreted, did not authorize that tribunal to deal with was likewise handled in the Star Chamber, and also that a good deal of business, not of a judicial nature at all, was transacted there.

In view of stat. 3 Hen. VII, c. 1, such entries as the following do not cause surprise :

"Lunae 24to: Novembr. [4 Hen. VII]

It is alleged by the Lord Cheife Justice that a Riott is deemed of the gathered multitude and not of the kind of Weapons. Therefore, when

case in the Star Chamber in November, 31 Elizabeth, asserted that "longe before the Statute of Tertio of Henr. the seaventh this Court had authority to punish and Correct all manner of misdemeanor & offences in that lawe conteyned," and declared "how farr they were carried with wronge opinion that did thinke the Court to bee errected by that Statute cleane Contrary to the honorable antiquity and high authority of the same."

a man anie thinge attempteth, with a multitude gathered beyond the wonted number followinge him, whether with weapons or without, he maketh a Riott. And Contrariewise when it is done, with a wonted Companie he maketh noe Ryott, weighinge yett the Causes of the gatheringe, as for some Common good to take a Theefe, the qualitie of the person, as if of good Conversation and peaceable, alsoe sole gatheringe without anie thinge attempted or done: Alsoe after 3 yeares it is lawfull to keepe possession by strength and force.[1]

(The King IX° February p. 98.)[2] [4 Hen. VII]

W[illoughby] & W[ingefield]: it is enioyned both parties that they avoide in their billes & aunsweares the old quarrells betweene them, And only in their said billes & aunsweares they doe declare and expresse the Riotts late Committed betweene them.

Nono Maii [4 Hen. VII]

Continued be all and singular apparances, whether by Recogniz: or priuie Seale, now to be made, untill the beginninge of the next Terme, because the kings Ma^tie^: is goeinge into the North with his armie.

An°: nono. h. 7. secundo Junii

Coram Canc. Domino, Dynham Thes., Husie & Bryan, principales Judices, et principalis Baro. Aylmer, Hunter et Picroste bound to the peace, and enioyned that they were noe mans Liuerie, neither serue anie man, but the Kinge and my Lord prince upon paine of XL^li^.

Jovis [day of month not given. 14 Hen. VII]

Sir Nicholas Vaux and Sir Thomas Greyne and the Lord Rethen be enioyned upon paine of 500 marks that they shall see and Commaund their servaunts to laie downe their swords and Bucklers and two-hand swords in the Cittie of London, and other Townes.

An°: XVI^to^: H. 7^mi^:

The Courte discharged of all matters of Ryotts, assaults, affraies, and other misbehaviors against Certaine of the Kings servants, &

[1] The original entry was apparently in Latin. The Latin entry is quoted in both MSS., but in the Add. MS. the translation here given follows. In a number of other instances only the Latin passage is given in the Harg. MS., while in the Add. MS. generally both the Latin and a translation are given — in some cases only a translation. Hudson says (p. 7) that the records of the reigns of Henry VII and VIII show the rules and orders there entered in Latin.

[2] The parentheses are used, as before, to indicate passages which occur only in Harg. MS. 216. In the Add. MS. this entry is dated 6 February.

Iniunctions and Recognizance taken of the same persons discharged by the kings letters directed to the Bishopp of Sarum the Keeper of the great Seale.

Jovis XII°: Junii [19 Hen. VII]

It is enioyned to Allen one of the Barons of the Exchequer that he staie all those of Lincolnes Inne which were att the Riott Committed with the servants of the Lord Darcie, ...

Mart. XIX°: Novembris [20 Hen. VII]

. . . . The variance betweene the Archbishop of Yorke and the Earle of Northumberland, both bound by Recognizance in 500 marks of their owne offer and assent to proue such matters as the one would obiecte against the other, And enioyned by the Kinge to Cause their servants to laie downe, and not to use their weapons and to leaue Cominge to Westminster with their wonted Companies (and this upon payne of his high displeasure and as they will Answer the same at their perills).

Lunae 11^do^ December [20 Hen. VII]

The Kinge

The Kinge Comaunded aswell the bills, aunsweares, and examination of the Earle of Northumberland as the Archbishop of Yorke should be read openly. And because there was in them Conteyned Ryotts, and other enormities, the said parties, accordinge to the order of the Starchamber in such Cases used, and accustomed, be bound by Recognizance to their peace, either of them in 2000^li^.

XX°: Novembris [22 Hen. VII]

Hugh Boghey & others be convicted of Riott made upon Lawton, And are Committed to the Fleete. And because nothing was done in that Riott, but by words & bearinge of weapons, upon euerie of them is assessed the fine of XX^s^."

While the foregoing entries do suggest the tribunal of stat. 3 Hen. VII, c. 1, there are others which indicate that a wider jurisdiction was exercised in the Star Chamber than that statute would seem to warrant. Such are the following:

"Tertio July (*Junii*, Harg. MS. 216) [3 Hen. VII]

The Duke of Suffolke and Yaxley in his Ma^ts^. name enioyned not to proceede in an action of Treasons att the Comon lawe.

The Kinge VI^to^ Februar, p. 97. [4 Hen. VII]

(Christopher Moribus examined by the kinges grace sayth that T C and P C were at the murdering of Wm Musgrave, Sir Christopher Maresby and Anthony Crackinthorpe were at the killing of Thomas Colnett.)

Anno nono. h. 7.

The Kinge X^mo^ Novembris

Rodner Catt and Peter Sericke Comitted to the Fleete for takinge upon the kings streame shipps and goods of Certain Portugalls and subiects of the Kinge of Denmarke, Contrarie to leagues with them Concluded.

Anno Decimo h. 7. sexto Novembris

The Kinge.

The Principalls of the howses of students in the Common Lawe of the Land, that is to saie, Massie of Barnards Inn, Wallwin of Dauid's Inne, and the third of Staple Inne, bound to the Kinge in C^li^ for the appearance of the Students (against whom for the Death of a man in Smithfield it is complayned) upon mundaie nexte on which daie they are to putt in better suerties under the same paine.[1]

XXIII° Maii [10 Hen. VII]

John Kendall thought worthie of grievous punishment for the use of a false Deede . . . .

An°: 8^mo^: H. 7^mi^: 6^to^: Novembris

In the Cause of the Spaniards accused upon Heresie &c because nothinge is proved against them, it is decreed, by the Lordes of the Councell, that their goods shalbe restored which be under arest for the same Cause.

Vener: XXII°: Maii [15 Hen. VII]

It is decreed, Thomas Hall and other Jurors with him to be punished for periurie Committed by them in their aunsweares, heregiuen, to their examination, made upon Interr[ogatories] by the kings Atturney ministered unto them.

The Kinge Sabbati XVI^to^: Novembris [20 Hen. VII]

In the Cause betweene the Marchants ye kings subiects and the Archduke & his subiects for Customes & Impositions &c the said Archduke subiects of new required.[2]

[1] In Vol. X of the Star Chamber documents of Henry VIII's reign will be found bills, answer, and depositions pertaining to the case of John Colthurst and others against Mydmore, Moyell, the Principal of Furnivall's Inn, and others, in 22 Henry VII, for assaults in Holborn.

[2] The Latin phrase is "de nova petit." For this entry see also Harl. MS. 6811, Art. 2.

An°: XX°: h. 7. 8° July.

It is enioyned to Doctor Harrington that he doe his diligence to haue here his servant on Thursdaie nexte which did wound the servant of the Collector of the sea Apostolicke and that he giue not to his servant, knowlege of this decree priuielie or openlie, directly or indirectelie, by anie waies, that thereby he maie withdrawe himselfe.

XXIII Novembris [22 Hen. VII]

George Bardsey of Bardsey, of Counsell with Kirkeby, is by decree of this Counsell putt to silence, for euer, neuer to be heard in this Counsell, in anie Cause, And enioyned to appeare on Fridaie next, and laie a Cause why he should not be Committed to Warde for his disobedience, in Counsellinge Kirkeby to make none aunsweare to the title of Land, Contrarie to the Comaundement and decree of this Councell. XXV^to^: Novembris."[1]

Still other entries are more appropriate to the Council Board than to the Court of Star Chamber:

"Anno tertio h. 7. 3^mo^ Januar.

The Gent. of the Countie of Kent, Sussex, Suff. and Essex shall agree with the kinge to bringe a certaine number of armed men to the aide of Callais, and monie shalbe deliuered att Canterburie 1000^li^ or 1000^marks^. My Lordes of Northumberland shall indent with the Kings highness to prepare and haue readie 200 men, to be putt into Barwicke incontinentlie, as it shalbe knowne that the Scotts intendeth to approach it, and to Laye seige thereto, And the kings highnes within Thirtie dayes shall send him mony for his Charges. And my Lord of Dirham 300.[2]

Vener XVII° Junii [6 Hen. VII]

The Ambassadors of Fraunce appeared, And beinge required to declare their intention, and the Cause of their Cominge did refuse soe to doe. And because they required to be brought to the Kings presence, and to speake with his Ma^tie^: It is concluded that the Kinge shalbe aduertised of the bringinge of the French Kings letteres.

[1] If the proceedings before King and Council in the days of Henry VII, which are to be found at the Public Record Office, be accepted as Star Chamber proceedings, they too indicate that that Court exercised a wider jurisdiction than that for which the statute appears to provide. Those proceedings concern in all 132 suits, the subjects being: seizure of goods, false imprisonment, tolls, forcible entry and assault, forgery, riot, suit and service for a manor, wardship, threats, libel, breach of exclusive trade privileges, lands and tenements generally, etc.

[2] Another copy of this entry as here given in English will be found in Harl. MS. 980, Art. 139. There it is asserted to be "Ex decretis Cam. stellat."

The Kinge X^mo: Novembris [10 Hen. VII]

Cant. Canc.		Thesaur	
Eboracen		Arundell	Comites
P. S. Custos		Oxon	
Wintonien		Darby	
Elien		Salopie	
Aassauenen[1]		Ormond	
Rossen		Camerarius	
Sarum		Scrope	
Custus Rotulorum		Bergeyvennie	
Elienoos		Hastinge	
Capelle Regis		Brooke	
Winsor et Sancti Stephani	decani	Greye Cotner[2]	
Fitz James		Grey de Wilton	
Midleton		Prior Sancti Johannis	
Mayon[3]		Capitales Judices	
Hatton		Capitalis Baro	
Bayliel		Cheyney	
Lovell		Beningfeild	
		Braie	

W. Tunstall

The Kings Ma^tie: earnestly required the Archbishopp of Yorke, the Bishopp of Elie, Dirham Treasurer, the Earle of Darby, the Prior of St. Johns, the Cheife Justices Hussie and Bryan, Hubbard his Atturney, and his Sollicitor Dymoke, for abolishinge Corruptions because in this kingdome, customes of longe tyme in the Commonwealth of this Realme used, have receaued noe small harme and alsoe other euills, the kingdome & Commonwealth of the same much infestinge and hurtinge, they would call to mind diligentlie, And amongst themselves thereof intreate, handle and Commend what and of what kind they be, soe that they maie be ripe against the next Parliament, that when they be there knowne to such mischeifes, Convenient remedies by the kings highnes and the nobles of his kingdome maie be provided for the extirpation of such mischeifes and desolation, of such Corruptions. And likewise he required all the Counsellors aboue written that they would deliberate amongst themselves of the premisses.

An°: XII^mo: h. 7^mi:

An Order for the price of Woolles to be sould by the staplers.[4]

[1] *I. e.*, the Bishop of St. Asaph.

[2] Not found in Harg. MS. 216.

[3] Not found in Harg. MS. 216.

[4] Not found in Harg. MS. 216.

An°: XIIII^to^: H. 7^mi^:
The Counsell.

Dux Buckingham, Comites Northumbr, Salopp, Essex, Bergeyvennie, Dacre, Greie de Wilton, Hastinge, admissi sunt in Consilium Domini Regis et jurati.[1]

Lunae XII^mo^: Novembris [14 Hen. VII]

Dominus de Dudley est iuratus et admissus consilio Regis.[2]

An°. XV^to^: H. 7^mi^:
(The Kinge)

The Treason of Edward Naminge himselfe of Warwicke and Perken and other opened by the Cheife Judge Fyneux. And Councelled [*concluded*, Harg. MS. 216] to doe execution upon them.[3]

Trinit. XV^to^: H. 7^mi^:

A decree taken by the Counsell cancelled by the Kings lettres directed to Mr. Roberts Rydon then Clerke of the Counsell, the decree did concerne the removinge of a markett within the Cittie of Canterbury.

An°: (XIX°) H. 7^mi^:
The Kinge

Cant. Canc.	Dux Buck
Eboracen Archiepiscopus	Marchis Dorsett
Thesaur Anglie	Comes Arundell
Winton Episcopus	Comes Darby
Archiepiscopus Dublinen	Comes Ormond
Lincoln Episcopus	Dominus Dabeny, Camer. Rs.
Coven. et Lich. Episcopus	Dominus Bergavennie
Karliolen Episcopus	Dominus Dudley
Rossen. Episcopus	Dominus Hastings
Dominus Herbert	Dominus Darcie
Dominus Willoughby	Dominus Dacre de South.
Dominus Fineux Capitalis Just. Regis	Dominus Frowyck capitalis Just. de Com. B.
Mr. Ruthale Secret. Regis.	Thomas Lovell miles
Thomas Bourchier miles.	Rich. Guildford miles
Edw. Poinings miles.	Edmundus Dudley
Mr. West legu Doctor	Robert Drury miles

[1] In Harg. MS. 216 this entry is ascribed to the year 12 Henry VII; but from Harl. MS. 6811, Art. 2, it appears that the correct date is 6 Nov., 14 Hen. VII. In this and the following cases the Latin passages are given, even in the Add. MS., without an accompanying translation.

[2] Also quoted in Harl. MS. 6811, Art. 2.

[3] A briefer note of this entry will be found in Harl. MS. 6811, Art. 2.

Robert Litton miles — Gilbert Talbot miles
Walter Hungerford miles — Mr. Ja: Stanley clericus
Johannes Risley miles — Henry Wyott
Mr. Hatton legu Doctor — Mr. Vaughan legu Doctor
Mr. Menties, Secret. Regis in lingua latina.[1]

An Order betweene the Marchants Adventurers of the Archdukes Counties [*countries*, Harg. MS. 216] and the Staplers of Callais. (vizt. That all and euery of the merchants of the Staple aduenturers bee in all those things Contributory and obedient to all ordinances and penalties as adventurers are bound to bee as well in Calais as within the Archdukes Countries.)

IX°: Julii [19 Hen. VII]
The Kinge

A Comaundement by Decree sent under writinge to all Customers in euerie port in England to take & receaue of euery English man that will in any Port lade his proper goods in or upon anie straingers bottome & not in an English shipp, such Custome for his goods soe shipped as straingers oweth and doth paie.

It is agreed [*decreed*, Harg. MS. 216] that the Intercourse & amity betwixt the kings highnes and the Kinge and Queene of Spaine be proclaymed with the clause Stattutes et Consuetudinibus locorum omnino saluis.

Mart. XIX°: Novembris [20 Hen. VII]
The Kinge

Commissioners appointed to make articles for the reformation of idle people & vagabonds & the enormity of apparell, aswell by great Lords, as gentlemen and other meane persons, the excesse of meats and drinks & costly faire.

Sabbati XXIII Novembris [20 Hen. VIII]
The Kinge

It was shewed that clipped monies were Currant in great number, in default of such as receiued it by weight would not Cutt nor damne it, but made payments with the same, wherefore it was devised and decreed, that euery such person, as hereafter by weight should receaue anie Clipped monie, in the presence of him that soe payed the same, shall forthwith Cutt or cause to be Cutt in sunder all the same monie,

[1] "In lingua gallica," Harg. MS. 216. Lambard speaks of Mentis as Secretary of the French language in 1 Henry VIII. Arch., p. 162.

upon paine of forfeiture thereof. And the same on the Mundaie next to be proclaymed.[1]

Trin. XX°: h. 7, 10° Julii

William Stafford, Warden of the Mint of the Tower of London, and Robert Fenroder, one of the Masters of the monies within the said Tower, personallie appearinge made request for the takinge of the assaie of gold and siluer accordinge to the old Custome used, And as is specified in the Indentures made betwixte the Kinge and the said Robert and others.

Tercio Decembris [22 Hen. VII]

A determination that the Kinge in person will make his voyage into Ireland for the suppresse[ing] of Rebells there. And it is thought by the Lords assembled that 6000 men, well chosen, besides the kings howssehold and those that Conveigh the Carriages, willbe a Convenient number for the voyage. Item they thinke that three great peeces, fower hundred Harquebushes, threescore Fawkins, Fiue Hundred Handgunnes."

It is unfortunate that these extracts preserve the names of those present in the Star Chamber on but three occasions after 3 Henry VII. But scanty as the information is, it is of great interest, and its scantiness is partially made up for by Lansd. MS. 160, Art. 92—some notes from the Star Chamber records, endorsed by Sir Julius Cæsar, concerning those who sat in the Star Chamber during the reigns of Henry VII and Henry VIII.

On 2 June, 9 Henry VII, according to the entries already quoted, in the presence of five men, the Lord Chancellor, the Lord Treasurer, the Chief Justices, and the Chief Baron, an injunction against the wearing of liveries was served. The wearing of liveries is one of the offences mentioned in stat. 3 Henry VII, c. 1, and yet here are but five judges present, while the statute provided for six or seven. Five, it is true, would be a majority, and probably, therefore, that number would be entitled to act, but it is worthy of remark that by a decision of 8 Henry VII [Year Books, 8 Hen. VII, fol. 7] only the Chancellor, the Treasurer,

[1] See another copy of this in Harl. MS. 980, Art. 137. This order was no doubt issued on the occasion of the assay of gold and silver which was customarily made in the Star Chamber, where, in the inner room, there was a furnace of the mint. *Vide* Lansd. MS. 48, Art. 29. The assay was never, however, an affair of the Court of Star Chamber. A table of weights and measures was also kept in the Star Chamber. *Vide* Cal. State Papers, Dom., Hen. VIII, Vol. II, no. 3972.

and the Lord Privy Seal were judges by stat. 3 Hen. VII, c. 1, but it was error if the two councillors and the justices were not called as assistants.[1] Moreover, it appears that this was not the only occasion after this decision that a smaller body than the tribunal of the statute sat in the Star Chamber. The notes in Lansd. MS. 160, Art. 92, show that, while at times the number of judges in the Star Chamber was in conformity with the provisions of the statute, on a number of occasions after 8 Henry VII fewer were present than the statute required, and that often the justices were absent. According to those notes, on 2 July, 13 Henry VII, only four were present; on 11 October, 11 Henry VII, only three; and on 18 and 28 November of the same year, the Lord Chancellor alone. Hudson, too, probably basing his statement on the Book of Entries, "leaves it charged" that the Court "did usually determine causes when neither treasurer, chancellor, nor privy seal were present, but sometimes the president of the council alone, and sometimes assisted by others of the council, above forty times in the 12 and 13 of H. 7. And sometimes, when neither treasurer, president, chancellor, nor privy seal were present, other lords of the Council sat for the determining causes."[2]

On the other hand, another result of Hudson's investigations was the conclusion that in the days of Henry VII and Henry VIII about forty generally attended the Court. According to the Book of Entries, moreover, on 10 November, 10 Henry VII, there were present in the Star Chamber far more than the number of judges laid down by the statute. But the only business which appears to have been transacted was such as would be transacted in a council rather than in a court of justice. The same is true of the business transacted on that day in 19 Henry VII, when the presence is still greater. Again, while the notes in Lansd. MS. 160, Art. 92, give no hint, except in one instance, of the nature of the business transacted, they show that on not a few occasions the presence in the Star Chamber was large. On 10 Feb., 6 Henry VII, there were present, besides the King himself, the Archbishop of Canterbury, Lord Chancellor, the Bishop of Exeter, Lord Privy Seal, Dyneham, Lord Treasurer, the Bishop of Worcester, and eighteen others, including among them Chief Justice Husee and the Attorney and Solicitor General; on the 15th of the same month,

[1] Coke calls this a sudden decision, contrary to law and continual practice. Certainly the councillors and justices were judges, not merely assistants, in Henry VIII's reign and afterwards.

[2] Hudson's Treatise, Pt. I, § vi.

besides the King, twelve, including, among others, the officers before named and both of the Chief Justices; on 24 Oct., 7 Henry VII, ten, among whom were the Lord Chancellor, the Lord Privy Seal, the Lord Treasurer, the Chief Baron, and the Attorney and Solicitor General; on the last day of Trinity Term, 8 Henry VII, nineteen, including, among others, the Lord Chancellor, the Lord Treasurer, the Master of the Rolls, and the Chief Justices; on 6 and 10 Nov., 10 Henry VII, the King, "with many others;" on 23 April, 11 Henry VII, all the justices of the King's Bench, together with the Lord Chancellor, the Master of the Rolls, the Attorney and Solicitor General, and three others; on 28 April of the same year, the King, together with the Lord Chancellor, the Lord Treasurer, the Master of the Rolls, the Bishop of Rochester, the Deans of the Chapel of Windsor and of St. Stephens, the Chamberlain, the Chief Justice, Fineux, a baron of the Exchequer, the Chancellor of the Duchy, and eleven others; on 26 October, 13 Henry VII, the Archbishop of Canterbury, the Master of the Rolls, the Dean of St. Stephens, the Chief Justices, and the Ambassadors of Venice and Milan; and on 7 February of the same year, fourteen in all, among whom were the Lord Chancellor, the Lord Treasurer, the Bishops of London, Winchester, and Salisbury, the Chief Justices, the Chancellor of the Duchy, the Chief Baron, and the Under-Treasurer.

In none of these cases, however, does it appear to be strictly the *Privy* Council which is present, for the Chief Justices, one or both of whom is in attendance on all the days except one, on which the presence is large, so that they seem to have a permanent place in the Star Chamber, never heretofore, as has been said, belonged to the Privy Council. And the number of "legu Doctores" present on the day in 19 Henry VII may also be taken to imply that the Council, the minutes of whose meetings were preserved among the Star Chamber records, was not the *Privy* Council, but a larger, judicial Council. But if it was the minutes of this larger Council exclusively which were entered in the Star Chamber book, that Council received ambassadors and attended to other things which would seem not very properly to belong to the judicial council. According to Lansd. MS. 160, Art. 92, moreover, the presence in the Star Chamber on 29 October, 12 Henry VII, consisted merely of the Lord President, the Dean of the King's Chapel, and Doctors Hutton, Fitzjames, Hatton, and Midleton. In this instance even the presiding officer of the meeting is not one of the judges named by stat. 3 Hen. VII, c. 1. The Lord President of the

Council is believed to have been made an officer of the Star Chamber for the first time by stat. 21 Hen. VIII, c. 20, yet here is evidence that on one occasion at least he presided over a meeting in the Star Chamber in Henry VII's day, and Hudson's statement, already quoted, gives the impression that his presence there was not unusual at that time.

After studying Add. MS. 4521, Art. 9, Harg. MS. 216, and Lansd. MS. 160, Art. 92, it is, indeed, hard to believe that during Henry VII's reign any clear distinction was made between the judicial council and the administrative or deliberative council, or between the Court of Star Chamber and the Council or Councils. All appear to have occupied the Star Chamber and to have had their records entered in the same book. The Book of Entries began, moreover, not with the third, but with the very first, year of Henry VII. It is not to be wondered at, therefore, that Mill and Hudson, with the Star Chamber records before them, declared it foolish to say that the Court of Star Chamber came into existence with Henry VII's statute, and maintained that as it was the Council of the King it was of far greater antiquity.

Yet a passage in one of the Paston Letters gives the impression that as early as 1494 the Star Chamber had acquired a special association with a work done by the Lord Chancellor in that room which was distinct from the general Council business. In that year Sir T. Tyng wrote to Sir John Paston: "Sir, ther hath be so gret cownsell fer the Kynges maters, that my Lord chawnsler kept not the Ster Chawmber thys VIII days, but one day at London, on Sent Lenardes Day."[1] And stat. 19 Hen. VII, c. 14, also indicates a distinction between the Council and the Star Chamber: "The penalty for giving or taking any Livery &c., or for retaining or being retained with another during the King's life, five pounds per month. Justices in sessions shall enquire of such offences and certify offenders to the Council penalty £100. Offenders may also be punished in the Star Chamber or may be apprehended without information by the Chancellor or Council and examined on oath and punished by imprisonment &c." Moreover, in the "Acts, Orders, and Decrees made by the King and his Council," which Sir Julius Caesar published from the records remaining in the Court of Requests, will be found two passages in which a similar distinction is apparent: "15 Augusti 9 H. 7. apud Windsor. Memorandum quod eodem die in Camera ad hoc assignata comparuit Tho. Cresset armiger super quadam recognitione, ut ibidem Thom. asseruit,

[1] Paston Letters, Vol. III, p. 385.

facta coram domino Cancellario in Camera Stellata, ad personaliter comparendum coram domino rege in Consilio suo ubicumque dicto 15 die Augusti: Et habet ad personaliter comparendum de die in diem, quousque aliter per dictum dominum regem & Consilium suum in hac materia decretum fuerit &c. & hoc sub periculo incumbenti."[1] Here we have an appearance made "coram domino rege in Consilio ubicumque," but the recognizance taken "coram domino Cancellario in Camera Stellata." The second passage is as follows: "16 Hen. 7. 16 Novembris. apud Woodstocke causa inter Nicholaum Leeche & Joannam uxorem eius contra Nicholaum Galon, Joannem Moore & caeteros quoad titulum terrarum & tenementorum, in controversia inter partes predictas, & fractionem pacis superpositam in billis querelae remittitur Consilio Domini Regis in Camera stellata apud Westminster ubi eadem causa pendet indecisa, ibidem determinanda, & quoad riotam suppositam in billa, partes predictae habent diem crastinum purificationis beatae Mariae virginis prox. futurum ad probandum per eos allegata concernentia dictam riotam ubicunque & hoc sub poena eorum cujuslibet 110 lib."[2] In this instance we have a remission, by the Council with the King, of some features of a case to the Star Chamber, but, curiously enough, the very feature of the case which we should expect to find remitted to the Star Chamber is reserved for hearing before the Council with the King. The same records, however, furnish an instance, in 11 Henry VII, of a cause remitted "in cameram stellatam pro eo quod concernit riotam."[3]

Some distinction there evidently was, even in Henry VII's reign, between the Star Chamber and the Council. An adherence, evidently imperfect, in the judicial proceedings to the four Terms of the Law Courts, and perhaps the severity of the penalties meted out in the Star Chamber in general at least by the Lord Chancellor, were probably already identifying that room with one of the many kinds of work done there, and so, in spite of the jumbling of records and the loose constituency of the Court, "the Star Chamber" was even then in common parlance no longer a name for the Council in general, but a nickname for the tribunal which sat most frequently in that room, and before

[1] P. 2.

[2] P. 26.

[3] P. 62. Stat. 11 Hen. VII, c. 7, provided that if a riot "be with forty persons or thought heinous then the justices of peace shall certify the same and send up the record of conviction to the King and Council who may punish the party." This Act was to endure only until the next Parliament, but by that Parliament it was continued until the following Parliament.

which suits were brought by bills of complaint. But, from such evidence as we have, neither the jurisdiction exercised in the Star Chamber during Henry VII's reign, nor the composition of the Court exercising it, can be satisfactorily explained by stat. 3 Hen. VII, c. 1.

It may now be asked whether the constituency and jurisdiction of the Court of Star Chamber in the reign of Henry VIII was in accordance with that statute.

A mere glance at the voluminous Star Chamber documents of Henry VIII's reign which are preserved at the Public Record Office furnishes ample proof that there was no thought at any time during his reign of limiting the jurisdiction of the Court to the offences named in Henry VII's statute. The bills, answers, rejoinders, replications, etc., show that the Court handled cases of murder,[1] robbery, forgery, perjury, debt, seduction, abduction of heiresses, unjust imprisonment, aiding to escape from justice, refusal of a husband to consort with and maintain his wife, assault, forcible entry, seizure of foreigners' vessels and goods, libel against the government, breaking of contracts, offences against proclamations, killing of deer, enclosure of common land, right to pasture, questions of land title, jointure, right to goods of felons, etc., as well as cases of maintenance, riot, and the other offences of the statute. Nor can this almost unlimited jurisdiction be justified by any new statutes, for the only statute of Henry VIII's reign which can be thought to add anything to the Court's jurisdiction is stat. 25, Hen. VIII, c. 1, which provides that if any

[1] A paper of 1533, a memorandum of "Acts necessary to be made at this Parliament," contains this passage: "Item an act that murders done and commytted in Wales or the marcheis may be examyned in the sterr chambre and the murderers there to be conuycts by witnes and haue Judgement to suffer like as if they had ben founde giltie by XII men according to the Lawes of this realme." *Vide* Cal. State Papers, Dom., Henry VIII, Vol. VI, no. 1381(3). There is no statute to this effect, however.

In after-years the Court was careful to avoid contact with a suit in which a charge of murder was involved. In Stowe MS. 397, fol. 41, will be found the following report of a case (Procter *vs.* Darnebrooke and others) in Easter Term, 15 James I: "The cause was for a ryott but for that it appeared in the plaintiff's proofe that a man was killed about seven yeares since in that riott and indictments preferred against same for the Murder but noe man arraigned for it, the Court would not proceede to sentence this cause for that if they should convict the Defendants as riotters they should make them all Murtherers and therefore the Court thought fitt that an Indictment for Murther should first bee preferred & tryed against the Defendants charged with the riott & then if *Ignoramus* were found upon the indictments or the Defendants *legittimo modo acquietatus* the Court would proceede to sentence the ryott. But the Court ordered

grazier or breeder should refuse to sell his fat cattle to the butcher at a reasonable rate, and when a price was set by persons appointed for that purpose should refuse to accept the same, bonds should be taken of the offender for his appearance in the Star Chamber the next term to be punished as the King's Council thinks good.[1]

There was as little conformity, in Henry VIII's reign, with stat. 3 Hen. VII, c. 1, in regard to those who sat in the Star Chamber as in regard to the jurisdiction exercised there. Lansd. MS. 1, Art. 44, contains copies, in an engrossing hand, of three orders of the Court of Star Chamber in regard to the days of sitting, which were evidently made from the records by direction of William Mill, for, at the end, he has written: "Concordat cum Records. Will^m^ Mill." On the day on which the first of these orders was made, 17 June, 8 Henry VIII, fourteen were present, among them Wolsey himself as Lord Chancellor, the Bishop of Durham as Lord Privy Seal, the Bishop of Hereford, the Abbot of Westminster, the Duke of Norfolk, the Earl of Surrey, and the attorney and solicitor general; when the second order was made, 14 October, 9 Henry VIII, thirty-four were present, including Wolsey, the Bishops of Durham, Chester, Hereford, and Ely, the Master of the Rolls, the Dukes of Norfolk and Suffolk, the Earl of Shrewsbury, the two Chief Justices, the Chief Baron, and a number of the other barons and justices; and when the third was made, 19 October, 21 Henry VIII, thirty were present: the Duke of Norfolk, Lord Treasurer, the Bishop of London, Lord Privy Seal, the Bishops of Lincoln and Wells, the Abbot of Westminster, the Duke of Suffolk, the Marquises of Dorset and Exeter, the Earls of Oxford, Northumberland, and Shrewsbury, the Viscounts Fitzwater and Rochford, the Lords Mountjoye, Darcye, and Sandes, the Prior of St. Johns, the two Chief Justices, the Chief Baron, William Fitzwilliam Jr., Treasurer of the King's Household, Henry Guildford, Comptroller, Thomas Moore, William Pawlett, John Husie, Thomas Nevile, Richard Weston, John Mordaunt, Bryan Tuke, and William Fitzwilliam Sr.

that none of the examinations of the Defendants or Depositions of witnesses taken in this cause should bee used or given in evidence against the Defendants whereby to indicte or convict any of them for the Murder, notwithstanding that some of the witnesses may since bee dead, for that it is against the honor and dignity of this Court that the same should bee made an Instrument to convict any man of any Cappitall Cryme where by to take away a mans life."

[1] A memorandum of the Court to enforce the sale of cattle under the provision of the Act of Parliament will be found among the Star Chamber documents of Henry VIII's reign, Vol. VII, p. 172.

The notes in Lansd. MS. 160, Art. 92, of those who sat as judges in the Star Chamber in the reign of Henry VIII are not as full as the notes in regard to those who sat there in the previous reign. The earliest notes are of the year 13 Henry VIII, and the writer does not always give the whole roll of those present, but generally contents himself with "Dominus Cardinalis Canc. et aliis," and the enumeration of two or three names whose occurrence apparently puzzled or surprised him. But he makes several interesting statements. He begins his notes, after the date 21 May, 19 Henry VIII, with the statement that "In these times the Cardinall of York was Chancellor and legate and the presence was alwayes grete that sate with him in the Star Chamber;" while under the heading "Annis XIII & XIIII Henrici VIII" he cites eight names, including among them the Prior of St. Johns, Sir Thomas More, Sir Henry Wyat, and "Magister Ellis baro Scacarii,"[1] and adds that in those years any of these men sat, sometimes but one of them — Mr. Ellis often alone — and sometimes two of them, and sometimes more, and that they referred causes to the hearing and determination of other persons, heard causes themselves, and took appearances and affidavits.[2]

So it would seem that in Henry VIII's reign, as in Henry VII's, a body of men sometimes smaller, sometimes larger than the tribunal of stat. 3 Hen. VII, c. 1, was sitting in the Star Chamber.

The most interesting passage of Lansd. MS. 160, Art. 92, however, is the following: "Counsellors sworn to the king anno regni regis Henrici VIII decimo octauo. These names which folow are entred in the beginning of a boke, & all that folowes hereafter is entred in the same boke, which boke semes to be a counsell chamber boke, but it aperes by the entryes in the same boke, that the counsell sate in the starchamber."[3] The list accompanying this announcement

[1] William Ellis was made a baron of the Exchequer in 1523.

[2] Hudson says (Pt. III, § xxiii) that in 15 Henry VIII a committee of six was appointed to sit in the Star Chamber and give rules and orders of proceedings, and that in later times the clerk did this work. But, granting that such a committee existed even before 15 Henry VIII, that will not explain why so few were present at the *hearing* of causes, and those not judges according to stat. 3 Hen. VII, c. 1. The memorandum of 1533 of "Acts necessary to be made at this Parliament," already referred to, contains this item: "Item for spede of Justice to the Kings subiects, An acte to be made that the Chancelour calling to hym two Judges may procede in all causes in the sterr chamber, the absence of the Lorde Treasouror and other mencioned in acts heretofore notwithstanding." No such act appears to have been passed, however.

[3] If this book began with the eighteenth year of Henry VIII, it cannot be identified as one of the books delivered to Bacon.

contains these names: the Cardinal of York, Chancellor, the Duke of Norfolk, Treasurer, the Duke of Suffolk, the Marquises of Dorset and Exeter, the Bishop of London, Lord Privy Seal, the Bishops of Lincoln, Bath, Ely, and Exeter, the Abbot of Westminster, the Earls of Shrewsbury and Essex, the Vicounts Lisle, Fitzwater, and Rochfort, the Lords Huse, Wyndsor, Fitzwarren, Hastinges, Barners, Sandys, Burgaveny, the two Chief Justices, the Chief Baron, the justices of the King's Bench and the Common Pleas, Dr. Sampson, Dean of the Chapel, Sir Thos. More, Chancellor of the Duchy, Sir Wm. Compton, Under-treasurer, Sir Thos. Nevill, Sir Ric. Sacheverell, Sir Wm. Powlet, Sir Hen. Wyat,[1] Sir John Dauncy, Sir Wm. Fitzwilliams Sr., Sir Wm. Fitzwilliams Jr., Sir John Mordant, Sir Roger Townsend, Sir Andrew Wyndsor, Sir Thos. Denys, Sir John Alyn, and the King's Sergeants, Attorney, and Solicitor.

Now, the Regulations for the better government of the Royal Household, made in January, 1526 (18 Henry VIII), provided for the "Establishment of a Council." "And to the intent, that as well matters of justice and complaints, touching the greaves of the King's subjects, and disorder of his Realme, and otherwise, which shall fortune to be made, brought, and presented unto his Highness by His said subjects in his demurre, or passing from place to place, within the same; as also other great occurrences concerning His own particular affairs, may be the better ordered, and with his Grace more ripely debated, digested, and resolved, from time to time, as the case shall require: It is ordered and appointed by His Highness, that a good number of honourable, virtuous, sad, wise, expert, and discreet persons of his Council, shall give their attendance upon His most Royal person, whose names hereafter follow; that is to say, the Lord Cardinal, Chancellor of England; the Duke of Norfolk, Treasurer of England; the Bishop of London, Keeper of the King's Privy Seal; the Duke of Suffolk, Marshal of England; the Marquess Dorset; the Marquess Exeter; the Earl of Shrewsbury, Steward of the King's Household; the Lord Chamberlain; the Bishop of Bath; the Bishop of Lincoln; the Lord Sandys; Sir William Fitz-William, Treasurer of the King's Household; Sir Henry Guilford, Comptroller; the Secretary; Sir Thomas More, Chancellor of the Dutchy; the Dean of the King's Chapel; Sir Henry Wyat, Treasurer of the King's Chamber; the Vice-Chamberlain; the Captain of the Guard; Doctor Wolman.

[1] Against this name Caesar has written "Chancelor of the Exchequer."

"And forasmuch as the said Lord Cardinal, the Lord Treasurer of England, Lord Privy Seal, Lord Steward, and divers other Lords and Personages before mentioned, by reason of their attendance at the Terms for administration of Justice, and exercising of their offices, and other reasonable impediments, shall many seasons fortune to be absent from the King's Court, and specially in Term times; to the intent the King's Highness shall not be at any season unfurnished of an honourable presence of Counsellors about his Grace, with whom his Highness may confer upon the premises, at his pleasure: It is ordered, that the persons hereafter mentioned shall give their continual attendance in the causes of his said Council, unto what place soever his Highness shall resort; that is to say, the Lord Chamberlain, the Bishop of Bath, the Treasurer and Comptroller of the King's Household, the Secretary, the Chancellor of the Dutchy of Lancaster, the Dean of the King's Chapel, the Vice-Chamberlain, the Captain of the Guard; and for ordering of poor men's complaints and causes, Doctor Wolman."[1]

The list of councillors which was entered in the Star Chamber book included, it will be noticed, very nearly all of those here named to act as the King's Council. But "the King's Council in the Star Chamber," as was the official style of the Court of Star Chamber, was far more numerous and included a large legal contingent—both of the Chief Justices, the Chief Baron, all the justices of the King's Bench and Common Pleas, as well as the King's Sergeants, Attorney, and Solicitor. The question of the distinctions and relations among the various councils of Henry VIII is a very vexed one, but for the purpose of the present discussion it will be sufficient to call attention to two facts: First, that it was not alone the Privy Councillors, in the usual meaning of that term, who at this time sat in the Star Chamber. There were councillors who were specially sworn in for that particular purpose,[2] but among those so sworn in were all of the leading members of the Privy Council at least. Second, that, while the notes in Lansd. MS. 160, Art. 92, and the list of those present when the order

[1] Quoted by Nicolas in his preface to Vol. VII of the Proceedings and Ordinances of the Privy Council.

[2] In Harg. MS. 216, p. 326, it is stated that "in former Princes tymes . . . . you shall find the names of many Bishopps, doctors and others which were not of the King's Privy Councell noated to bee present at the sitting in that place [*i. e.*, the Star Chamber] but it is like that they were at the least sworne to bee Councellors of that place or at large as it was there termed which use Continued alsoe in King Henry the VIII° tyme."

of 21 Henry VIII in regard to days of sitting in the Star Chamber was made show that the majority of those who sat in the Star Chamber soon after 18 Henry VIII were men whose names were entered in the Star Chamber book, yet Sir Henry Guilford and Doctor Wolman, named in the Regulations of the Household, but not in the Star Chamber book, sat in the Star Chamber, and a few other men not named in either place also sat there.[1] There must have been more or less of a distinction between the Privy Council and the Council in the Star Chamber, and yet the relation between the two was very close. The Privy Council not only furnished the chief members of the Council in the Star Chamber, but all who belonged to the smaller Council apparently had a right to sit in the larger Council also. Moreover, the distinction between the two Councils may have been more marked in 1536 than at the beginning of Henry VIII's reign. The style given to the Court of Star Chamber in the bills of his reign varies somewhat. The phrase "in the Star Chamber" or "in the high Court of Star Chamber" is sometimes omitted, and the form becomes simply "your highness and the lords of your most honorable Council." But in the bill of one Henry Androwes and others against Thomas Phyllps and others, in 4 Henry VIII, the plaintiffs petition for a writ of subpœna for the appearance of the defendants "before your highness most honorable privy Councell in your Starchamber at Westminster."[2]

[1] The writer of Lansd. MS. 160, Art. 92, found that Sir William Kyngston, Lord Mountjoy, Sir Richard Weston, Mr. Magnus, Bryan Tuke, and Doctor Knight, secretary, all sat in the Star Chamber on various dates, although their names did not appear in the list of councillors in the Star Chamber book. Lord Mountjoy, Sir Richard Weston, and Bryan Tuke were present, it should be noticed, when the order of 21 Henry VIII in regard to days of sitting was made. There seems to have been some looseness in the constitution of the Privy Council, too, in this reign, *vide* Nicolas's preface to Vol. VII, pp. xviii–xix.

[2] Star Chamber documents, Henry VIII, Vol. I, p. 164. Hudson says: "I well remember I was of Counsel in a cause where the bill prayed process against the defendant to appear before the King and his privy Council; to which a demurrer was put in. The same being referred to a judge, Sir Thos. Coventry, then of Counsel with the defendant defended the demurrer and the same was overruled against me as not being the proper return of the process in this court." Yet West (Symbol., fol. 343*b*–344*a*) gives a petition of Elizabeth's time for a writ of subpœna for appearance "before the lords of your highness most honorable Privy Councell in the Star Chamber at Westminster," and in 1582, in the bill of John Day against Roger Ward and William Holmes, the form used is "your Maiesties most Honorable pryvie Cowncell in the Starr Chamber." *Vide* this case in Arber, Transcript of Registers of Company of Stationers, Vol. II, pp. 753–769. Grindal, moreover, addressed his submission to

Considering the real predominance of the Privy Councillors in the Court of Star Chamber, such a confusion of terms, however, would not have been strange at any time, and, indeed, the exact way in which the term *Privy* Councillor was used in the time of Henry VIII is still open to question. Moreover, at the Council Table, not alone in the days of Elizabeth and the Stuarts, but at all times, much business was transacted which would seem more properly to belong to the province of the Court of Star Chamber, unless that Court was nothing more than an instrument of the Council, directed and controlled by it. The passages from the records of the Court of Requests already quoted prove that an interchange of business went on between the Council and the Star Chamber in the reign of Henry VII, and that there was no hard and fast rule as to which of these two bodies should handle suits of a particular nature. The same close relationship between the Council and the Star Chamber continued through the succeeding reigns. Thus it was to the Council that Dacre wrote in 1509 praying for the discharge of a bond to appear in the Star Chamber.[1] According to Lansd. MS. 639 (pp. 54–5), on 22 October, 1 Henry VIII, one Thomas Pole was enjoined to appear and bring surety of peace; on 25 October he was admitted to attorney and was enjoined not to depart on pain of five marks, but to appear before the King, "although he were admitted to Attorney in the Starrchamber the same daie;" and afterwards it is recorded: "Predictus Tho: Pole hath appeared by Iniunction before the Counsaile with the King att Greenewich accordeing to the Iniunction to him given of V markes & the same day the aforesaid Thomas was remitted with his matter and cause before Lo: Chancellor in the Starchamber there to be ordered by the said Lord and the Counsaile." According to another statement in the same MS. (p. 90), on 7 November, 7 Henry VIII, the "Prior de Shalbreed" appeared before the King and his Council at Westminster and was licensed to depart because "in Chamera Stellat nulla billa inventa est contra eum." Recognizances for appearance in the Star Chamber were often taken in the Council, and, according to the minutes of the Council, on 2 December, 1541, certain Knights of

"the Right Honorable the lords of her Majesty's Privy Councell in the Star Chamber." Strype's Grindal, p. 350. And in an information of 1635 against "Divers Persons of Quality residing in Town contrary to the King's Proclamation" it is "the Lords of your Majesties Honourable Privy-Council in Your Majesties High Court of Star Chamber" before whom it is desired that the accused should appear. Rushworth, Pt. II, p. 293.

[1] *Vide* Cal. State Papers, Dom., Hen. VIII, Vol. I, no. 380.

Malta were discharged by it of a recognizance to appear "before the Lorde Chawncellor and other the Cownsell in the Sterre Chawmber." On 30 July, 1541, commissioners were appointed by the Council to examine into a matter then before the Council in the Star Chamber, and to try to bring about an agreement between the parties, and what they did they were to report to the Council in the Star Chamber.[2] On 16 June, 1553, the Council, sitting at Greenwich, wrote to the Lord Chancellor to set at liberty seven men when they shall be this day brought before his Lordship in the Star Chamber;[3] and on 11 November, 1557, the Council ordered that Lord Latimer should be called into the Star Chamber concerning the death of a woman "and his case there to be heard and ordered accordingly, for which purpose the copies of the examinations taken in that matter are delivered to Mr. Attorney to frame an information thereupon."[4]

Although the Council thus continued to direct and control the Star Chamber, the discrimination between the two tribunals, which was becoming apparent even in Henry VII's reign, was in spite of it certainly quite understood by the time the new Council Register was opened on 10 August, 1540; and although that Register shows that the Council used the Star Chamber as a council room occasionally in the reigns of Henry VIII and Edward VI, and frequently in the reigns of their successors, this no longer gave rise to any confusion.[5] The suitor was not allowed to overlook the fact that the Star Chamber and the Council were distinct, although so closely bound together. A letter which the Council wrote to Sir William Pawlet on 21 December, 1570, complains that, although a matter between him and one John Yonge had been considered by them and he had been enjoined to bring in his bill of complaint, yet they perceive that he means to prosecute the cause in the Star Chamber. "They cannot but find this manner of dealing very strange and think that he hath therein much forgotten himself · like as they mean not to suffer the authority of this Table to

[1] "Entred by Adam the Clarke of the Sterre Chawmber." Nicolas, Vol. VII, pp. 277–278. It seems to have been customary for the clerk of the Star Chamber to attend the Council. Mill says: "What is used at the Councell Table now I partely knowe in respect of my Attendance there in the Terme tyme." Harg. MS. 216, p. 236.

[2] Nicolas, Vol. VII, pp. 223–224.

[3] Acts of the Privy Council, Vol. III, p. 289.

[4] *Ibid.*, Vol. VI, pp. 198–199.

[5] During Mary's short reign the Council met as many as forty-two times in the Star Chamber.

be so much prejudiced as to endure that any matter of complaint brought and dealt by them should by the complainant himself be removed to any other Court before the same be heard by their Lordships and ordered."[1]

Enough has been said to prove that the Court of Star Chamber was at no time during the reign of Henry VIII a tribunal limited in membership and jurisdiction according to the usual interpretation of stat. 3 Hen. VII, c. 1. Not even in his reign was the number of judges named in that statute adhered to, while in the matter of jurisdiction, although it punished the seven crimes named in the statute, not the slightest attempt seemingly was made to limit the activity of the Court to the punishment of those crimes.

The scantier evidence of Henry VII's reign leads to the conclusion, too, that the same remarks would apply to the Star Chamber of that reign, that is to say, to the Star Chamber of the days of its supposed founder.

Again, in Henry VIII's reign, and probably in Henry VII's as well, there were special councillors for the work in the Star Chamber, but apparently in neither reign did the Privy Council consider the Council in the Star Chamber as a body really distinct from itself. The right of all Privy Councillors to sit in the Star Chamber, which the statement of Sir Thomas Smith gives us excellent authority for asserting was established at least as early as the reign of Edward VI, was evidently not a development of the middle of the sixteenth century, but was recognized even in the days of the first Tudors, and the dovetailing of the work of Star Chamber and Council was perhaps more intricate in the days of Henry VIII than at any later time.

Before passing to the question of the purpose of Henry VII's statute, a few more words must be said in regard to the jurisdiction claimed and exercised by the Star Chamber. Certainly the larger part of its enormous jurisdiction was not based upon any statutes. The only statute of Henry VIII's reign which could be thought to enlarge its jurisdiction has been quoted. From stat. 33 Hen. VIII, c. 1, it is evident that the Star Chamber punished those who secured the goods of another by counterfeit letters or privy tokens, but that statute does not empower it to do so. By stat. 4 and 5 Philip and Mary, c. 8, the Star Chamber was authorized to punish "such as shall take away maidens that be inheritors, being within the age of sixteen years or

[1] Acts of the Privy Council, Vol. VII, p. 405.

that marry them without consent of their parents." Stat. 5 Eliz., c. 9, shows that it was believed at the time of its enactment that the Star Chamber rightfully exercised jurisdiction over cases of perjury, and by stat. 5 Eliz., c. 14, it appears that the Star Chamber punished forgery. But no statutes had given the Court jurisdiction over these offences. Stat. 27 Eliz., c. 4, moreover, indicates that the Court had authority to hear causes of "covenous and fraudulent conveyances," and stat. 39 Eliz., c. 1, that it had jurisdiction over violations of the law concerning the pulling down and destruction of houses and barns, while stat. 43 Eliz., c. 1, shows that it might hear causes concerning letters patent — all of which are matters the Court had no statutory authority to handle. Finally stat. 1 Jac. I, c. 10, enacted that no person to whom any order or cause should be committed or referred by any of the judges or courts at Westminster, or by any other court, should take any money or fee for his report, and, securing to the party grieved upon suit brought within a certain time £50, provided that in default of such suit the money should go "to him or them that will sue for the same by original writ, bill, plaint or information in his Majesty's High Court of Star Chamber or in any his Majesty's Courts of Record at Westminster."[1]

The sum total of the offences referred to in these statutes, together with those named in stats. 3 Hen. VII, c. 1, and 25 Hen. VIII, c. 1, would not by any means equal a complete list of the offences which the Court of Star Chamber undertook to punish, and, too, most of these statutes simply presuppose that the offences named in them are already punishable by the Court. In other words, they accept rather than create the jurisdiction of the Court. As stat. 5 Eliz., c. 9, implies that perjury fell under the Star Chamber's jurisdiction by force of Henry VII's statute, there is a possibility that it was believed in Elizabeth's reign that, when that statute gave to the Court jurisdiction over "any behavior afore rehearsed," the intention was to include under that phrase, not only the seven offences first mentioned, but also the "murders, robberies, perjuries, and unsureties of all men living and losses of their lands and goods" which those seven offences were said to give rise to — an interpretation of the statute which, if doubtful, is not impossible.[2] But however elastic stat. 3 Hen. VII, c. 1,

[1] Stat. 3 Car. I, c. 4, § 27, repealed so much of stat. 3 Hen. VII, c. 1, "as toucheth or concerneth the punishment of those that shall give or take liveries."

[2] The treatise on the Star Chamber published in Hearne's Curious Discourses and attributed to Tate calls attention to the fact that routs and heinous perjuries are by stat. 5 Eliz., c. 9, construed to be within the meaning of the statute of Henry VII,

might have been understood to be, no amount of stretching could make it cover all the matters into which the Star Chamber dipped. The jurisdiction of the Court, if partially based upon statutory right, was in the main wholly without such foundation.[1]

From what source, then, came the authority of the Star Chamber, if not from stat. 3 Hen. VII, c. 1, and succeeding statutes? The Court clung to its statutory jurisdiction, but also claimed a more far-reaching authority on the ground that it was the King's Council. Lambard, after mentioning that Henry VII's statute provided that the offences named therein should be punished as if tried after the form and effect of statutes thereof made, says, "from the which appointed paines, if these lords shall at any time think good to vary and depart then it must be understood to be done by that former authority which they had and have as the Council of the King and not by virtue of these statutes which do leave unto them no liberty at all in this behalf, for we may not conjoin or rather confound these authorities as either of them shall be extinct and drowned in the other, but we must preserve them both separably and distinct, not only in understanding but in the execution and practice also." Just, he goes on to say, as when the judges on circuit have a commission of oyer and terminer, another of gaol-delivery, and another of the peace, they may lawfully extend their authority by the one where the other does not reach, so the Star

"and yet that act hath never a word of routs nor of heinous perjuries, otherwise than by implications that jurors are perjured when they take money to say their verdict." The writer concludes that the Court was in the habit of hearing "not only these very offences which be particularly and literally named in that first statute, but also such other matters and offences as do tend to the like end and evil with them." Hearne, Vol. II, p. 304. See, however, Dyer's report of Onslowe's Case (Reports, fol. 242*b*–243*a*), where it is stated that all the judges assembled at Serjeants Inn read the statutes of 3 Hen. VII, c. 1, and 11 Hen. VII, c. 25, and the proviso for the Star Chamber in stat. 5 Eliz., c. 9, and concluded that perjury could not be tried in the Star Chamber, because stat. 3 Hen. VII, c. 1, "does not provide any punishment for perjury any more than it does for murder although it is mentioned in the preamble to follow maintenance and others the misdemeanors first recited," while stat. 11 Hen. VII, c. 25, would have been unnecessary if provision had already been made for the punishment of perjury.

[1] One thing which prompted Mill and Hudson to contend so earnestly for the antiquity of the Court of Star Chamber was jealousy for its jurisdiction, for there were always those who, like Chambers and Prynn, were ready to assert that the Court, being created by stat. 3 Hen. VII, c. 1, was limited in jurisdiction by it. The statute which abolished the Court justified the fears of its friends by condemning it partly on the ground that it had illegally enlarged its jurisdiction beyond that granted to it by Henry VII's statute.

Chamber may exercise its double authority in a like manner.[1] In other words, the Court of Star Chamber was, in its own eyes, the tribunal of Henry VII's statute, but it was also the King's Council exercising large and indefinite powers by a very ancient right. By virtue of being the King's Council it claimed a peculiar jurisdiction over any offence which threatened danger to the State, and, like the Council of old, over any matter which fell not within the Common or Statute Law or could not well be disposed of in the Chancery.[2] And it was owing to the fact that the Council's jurisdiction, which it claimed, had never been clearly defined that the Star Chamber felt at liberty to lay claim to an almost unbounded jurisdiction. The Court and its partisans had their reasons, then, for standing up for the Court's antiquity. But it must be admitted at the same time that the evidence was on their side — that the records went to show that the Court of Star Chamber was never what popular opinion had supposed stat. 3 Hen. VII, c. 1, to have made it, but was a tribunal which was justified as well by its early history as by its later history in regarding itself as the natural inheritor of the Council's judicial authority. The justice of the Council's claim to such an enormous authority might rightly be questioned, but not the Star Chamber's right to exercise that authority when conceded.

But if the title "Pro Camera Stellata" was not a misnomer of stat. 3 Hen. VII, c. 1, if the mantle of the King's Council did fall upon the shoulders of the Court of Star Chamber, and if, as Burghley declared in a speech before the Court quoted in Harg. MS. 216,[3] that Court had authority long before stat. 3 Hen. VII, c. 1, to punish and correct all the misdemeanors and offences named therein — what, then, was the purpose of that statute?

Probably the purpose was fourfold. In the first place, a warning was given to offenders of every degree that another and very vigorous

[1] Archeion, pp. 173–174. Coke also claims for the Court this double authority, and Hudson, speaking of the fact that many cases of forgery were tried in the Star Chamber before stat. 5 Eliz., c. 14, says (Pt. II, § vi): "So that if the offence of forgery be said to have been done against the laws and statutes of this kingdom, the offence may be punished at this day as it was before the statute, or, if it be within the statute, this court hath power to inflict the punishment of the law. But, if the bill be laid upon the statute, then must the offence be proved to be within the statute or else no sentence can be given." The Star Cahmber punished forgery not only by statutory right, but also "by its former ability, by common right."

[2] *Vide* Hudson, Pt. II, § xiii, and Star Chamber Cases, p. 11.

[3] The speech already referred to, Harg. MS. 216, p. 347.

attempt would be made to crush out certain crying evils which were of long standing, and with which the country was particularly infested at that time. When Henry VII obtained the crown of England, one of the chief elements of danger in the state was the lawlessness of the nobility. Around the most powerful of the nobles were gathered bands of retainers so large in size and so turbulent in character that they were a constant menace both to the power of the Crown and to the liberties of its subjects. Many efforts had been made in the past to check this growing danger. Statutes prohibiting maintenance and the giving of liveries are to be found as early as the reign of Edward I, and are scattered through the succeeding reigns at significantly short intervals. But the evil which the law had in vain attempted to eradicate in times of comparative peace drew new strength and vigor from the long period of internal strife which filled the middle part of the fifteenth century. The statutes against maintenance and the giving of liveries were very imperfectly enforced during the reign of Edward IV, and when Henry VII laid his hand upon the crown he found that, in order to make firm his hold upon it, a new effort must be made to remove this long-standing abuse. Stat. 3 Hen. VII, c. 1, was the announcement that this effort was about to be made. In the second place, the statute definitely recognized a somewhat summary form of proceeding, which, in part at least, was not new to the Council. In the third place, without prohibiting any judicial authority then claimed by the Council, it again outlined the jurisdiction of the Council in a liberal and not too definite manner, specially vested that body with a right to punish certain crimes which were particularly rife at the time, and, above all, placed its jurisdiction upon a lawful and permanent basis. In the fourth place, the purpose of the statute was probably to name a choice of judges and to give to a small committee, as did other statutes to other committees,[1] the power of acting for the whole Council in certain matters. Lord Burghley, in the Star Chamber speech just referred to, named the former as the object of the statute. He declared that stat. 3 Hen. VII, c. 1, did only appoint a choice of judges, as the Lord Chancellor of England, and in his absence or sickness the Lord Treasurer and Keeper of the King's Privy Seal, or two of them, and they to call to them a Bishop and a temporal Lord of the King's most honorable Council, the two Chief Justices or other two Justices in their absence, who with them so called to their assistance might examine and correct all riots and misdemeanors

[1] *E. g.*, stat. 11 Hen. VII, c. 25, and stat. 34 and 35 Hen. VIII, c. 4.

in the same law mentioned.[1] The Council was large. A committee might fitly be empowered to take charge of the main part of the judicial work, which had become a heavy burden, was technical in character, and required careful attention. Moreover, when the King moved from place to place, a part at least of the Council was always in attendance upon him. Owing to the itinerancy of the court, it was found to be convenient, we know, in the latter years of Henry VIII's reign to have some members of the Council remain in London.[2] The Council in London and the Council with the King acted in co-operation, and the two were simply branches of one body. Any members of the Council who were with the King sat in the Council with him; the same men, when they were in London, sat with the Council there, and when the King was in London the two branches united. The Council with the King and the Council in the Star Chamber co-operated in a similar way, as has been seen, in Henry VII's reign as well as later, and the confusion of records in the Star Chamber Book of Entries during his reign, and the varying size of the presence as there recorded, were very likely due to a similar community of membership between the Council at large and the Council in the Star Chamber.[3]

Into the committee which took up its abode in the Star Chamber had been introduced, however, the two Chief Justices — officers who, called to the King's Council Table as they frequently were in earlier times, were never, so far as our knowledge goes, members of the Privy Council. Their right to sit in the Court of Star Chamber did not arise, as did the right of the other judges, from the fact that they were Privy Councillors. Their position as standing judges of the Court the Justices must have owed to stat. 3 Hen. VII, c. 1, and in this fact is a partial justification of the current opinion that the Court owed its foundation to that statute. Although the Chief Justices seem not to

[1] Stat. 21 Hen. VIII, c. 20, of course added the Lord President of the Council to the "choice of judges." According to stat. 31 Hen. VIII, c. 10, he had precedence of the Lord Privy Seal in the Star Chamber and elsewhere.

[2] *Vide* Nicolas's preface to Vol. VII of the Proceedings and Ordinances of the Privy Council, pp. ix–x.

[3] As the Court of Star Chamber was permanently fixed at Westminster, to a certain extent that was accomplished for the pleas before the Council which was accomplished by Magna Carta for common pleas. As the parties to a cause in the Star Chamber sometimes found themselves obliged to appear at the Council Table, the benefit was, however, somewhat neutralized. The Star Chamber never entirely absorbed the judicial authority of the Council. The two rather exercised a concurrent jurisdiction.

have attended the Court very regularly in earlier days, they never lost the position of standing judges of it, and in later times were very regular in their attendance. Their presence, too, no doubt contributed to the growth of the clearer distinction between the Star Chamber and the Council. Clarendon, in his History of the Rebellion, speaks of the Star Chamber and the Council Table as "the same persons in several rooms," but there was, after all, an essential difference between the two, even when, after Henry VIII's reign, there was no longer a special body of Star Chamber Councillors. The Council was primarily the deliberative body, the Star Chamber was primarily the judicial body; the latter was a public court, the former was not; and the presence of the Justices in the Star Chamber made an important unlikeness in the membership of the two.

The really vital difference which the presence of the Justices in the Star Chamber made between that body and the Council is illustrated in an interesting way by Lansd. MS. 59, Art. 64, which is a statement made by the Lord Chief Baron, in December, 1589, of the reasons why the cause prosecuted against him ought to be heard in the Star Chamber rather than before the Council. "Myself havinge byn," declared the Baron, "a publique person in place of Justyce above XXX^{ty} yeares for the peace and thereof aboue VI yeares a Judge in the Common Place and aboue XI yeares Cheyffe Baron of the Exchequer and (in two greate Cyrcutes of the Realme a Judge aboue XVII^{tene} years) not to be convynced nor dysplaced nor dysgraced but by due order in a Publique courte of Justyce, and there ys most notoryous example of Justyce to all the subiects of the Realme that now be and to posterytie hereafter. My Lords and others of her Ma^{tyes} counsell for the most parte have not study or Judgment of lawe and but small experyence of lawe to dyscusse what ys an offence of lawe and what not, unles they be assysted by the Judges and the Quenes lerned counsell as in the Starr Chamber they be and here not, and the two pryncypall matters of this cause ar to be dyscussed whether they be offences agaynst law or not."

The adding of the two Justices to the committee named in Henry VII's statute perhaps arose in part from a desire to soothe those who found fault with the Council's jurisdiction, but was probably mainly dictated by that recognition of the advisability of giving to a judicial tribunal at least some judges thoroughly versed in the law which had caused the judges to be called to the Council Board in earlier days, and by some understanding of the greater strength and authority which

the presence of Common Law justices would give to an extraordinary court. The presence of the two justices in the Star Chamber proved, in fact, to be of no small value to the Court. The atmosphere of legality in which their presence helped to envelop the Court was one source of its strength. In this way stat. 3 Hen. VII, c. 1, may be said to have reconstituted the Council, "the Star Chamber," on its judicial side, and to have opened the way for an enlargement of its authority which, while it retained its old form, would hardly have been possible even under the Tudors.

II.

The Crown did not cease to find the Court of Star Chamber useful even after Henry VII had got his kingdom well in hand. On the contrary, its usefulness was developed as time went on, until it became so important and so infamous a tool of the State that there is a tendency to forget that the Star Chamber was anything but a powerful instrument of tyranny used to crush those who had fallen, justly or unjustly, under the suspicion of the Crown. Yet this Court probably exercised at first a really beneficial influence, and the numerous suits brought before it at all times by private individuals no doubt received an impartial hearing. The same impartiality, however, was not to be expected in the case of suits which bore upon affairs of state, when the judges themselves were in reality parties to the suit.[1] That the Star Chamber fell into ill repute, and that its name still remains a synonym for tyranny, is due to the political and financial ends which its was made to serve.

Jurors were punished in the Star Chamber for giving verdicts against the Crown. Thus in March, 1535, the jury on the trial of one William Wicliff for murder were required to give bonds to appear in the Star Chamber the following May,[2] and in 36 Henry VIII the attorney general brought suit against Robert Cheseman and other jurors for failing to find a verdict for the Crown in a case where one Richard Bowrman, a spiritual person, was said to hold a messuage called Wells place in the parish of Lewisham in Kent.[3] A more famous example is the suit brought in 1554 against the jury which acquitted Sir Nicholas Throckmorton.[4] In 31 Henry VIII Sir Humphrey Brown, King's sergeant, Sir Nicholas Hare, King's counsellor, and William Conesby, attorney of the Duchy of Lancaster, were prosecuted in the Star Chamber for giving counsel against the King.[5] Leading ministers of state who had been guilty, or at least were accused, of transgressions were called to the bar of the Star Chamber. Hudson says that Empson "was first blasted in this court." Davison, we

[1] Gardiner, Hist. of Eng., Vol. VII, p. 85.

[2] Cal. State Papers, Dom., Hen. VIII, Vol. VIII, no. 457.

[3] Star Chamber documents, Henry VIII, Vol II, pp. 156, 157.

[4] *Vide* Holinshed, Vol. III, p. 1104, and Stowe's Annales, p. 624; also Crompton, L'Authoritie et jurisdiction des Courts, fol. 32.

[5] Add. MS. 4521, fol. 120.

know, was brought before the Star Chamber. Essex was saved from it only by the decision of the Queen to give him a private hearing.[1] And the much-loved Buckingham himself went through the preliminaries of a sham trial there. Wentworth, seeking to replenish the exchequer of his royal master, caused the city of London, to which the county of Londonderry had been granted, to be prosecuted in the Star Chamber on the ground that the terms of the charter had not been fulfilled, and a fine of £70,000 was imposed.[2] It was the Star Chamber which prosecuted the Earls of Bedford, Somerset, and Clare, Sir Robert Cotton, and others for publishing "A Proposition for his Majesty's Service to bridle the Impertinence of Parliaments." John Tyndal and Thomas Patmore were heavily fined in that court in the reign of Henry VIII for having received and dispersed copies of William Tyndal's revised translation of the New Testament,[3] and the proceedings against the authors of the Martin Marprelate tracts in the reign of Elizabeth and the famous cases of Leighton, Bastwick, Burton, and Prynne in the reign of Charles I illustrate how authors themselves felt its lash. In the reign of Henry VIII the parson of Over Yeldham in Essex was prosecuted in the Star Chamber for certain words about the "misordering of the Realm" which were spoken in the Guildhall of Clare (Suffolk) and were reported by the Earl of Oxford to the Lord Chancellor,[4] and the accusation against Chambers in the reign of Charles I was that he had said that the merchants of England were more screwed up in England than in Turkey.

Religious offenders, too, were brought before the Star Chamber in early days. From the quotations from the Book of Entries it appears that in 8 Henry VII the case of certain Spaniards accused of heresy, etc., was dismissed from the Star Chamber, not on account of any want of jurisdiction on the part of the Court, but because nothing was proved against the defendants. On 6 November, 10 Henry VIII, the Bishop of St. Asaph made his submission in the Star Chamber and petitioned the Lords assembled there to obtain the King's pardon for having "taken

[1] Chamberlain's Letters, p. 98.

[2] In the Remembrancia, Vol. VII, p. 155, will be found a petition from the Mayor, Commonalty, and citizens of the City of London to the King, stating that a writ had been issued from the Exchequer to levy a sum of £70,000 on the lands and goods of the city imposed as a fine by the Court of Star Chamber and praying his Majesty's commiseration. The fine was ultimately reduced to £12,000. Gardiner, Vol. VIII, p. 60.

[3] Strype's Cranmer, Vol. I, p. 116.

[4] Star Chamber documents, Hen. VIII, Vol I, pp. 46, 47.

upon him mans consecrations by virtue of his bulles before the Kinges assent royall optened for the same,"[1] and in 28 Henry VIII the inhabitants of Axminster in Devonshire brought suit in the Star Chamber against Philip Gammon and others, accusing the first defendant of heretical doctrines and of having said that "the Sacrament of the altar was not the very body of Christ,—the blessing of a bishop was as good as that of an old horse," etc.[2] In later days the Star Chamber and the Ecclesiastical Commission worked in concert, helping out or supplementing the work of each other. When the latter was unable to obtain from Cartwright an oath that he would answer such articles as might be put to him, a bill against him was brought into the Star Chamber.[3] Leighton was first arrested on a warrant from the High Commission and was imprisoned in Newgate. Sir Robert Heath, the Attorney General, was sent to examine him in his loathsome dungeon, but accomplished little. The accused was then brought before the Star Chamber, where Laud played the double role of injured party and judge. But before the sentence of the Star Chamber was executed, he was again brought before "the Hierarchy at Lambeth" in order that he might be degraded from his clerical office.[4] The Bishop of Lincoln, too, a few years later, after sentence in the Star Chamber was handed over by that Court to the High Commission for ecclesiastical censure. Laud even induced the Star Chamber to secure from the judges a favorable decision in regard to the right of the bishops to issue processes in their own names. On 12 May, 1637, several petitions

[1] Star Chamber documents, Henry VII, Vol. II, p. 75.

[2] *Ibid.*, Vol. II, pp. 267–272, 287.

[3] Strype's Whitgift, Vol. II, p. 70.

[4] *Vide* Leighton's Epitome, etc. For an excellent summary of Leighton's misfortunes *vide* Gardiner, Hist. of Eng., Vol. VII, pp. 143–152.

The Star Chamber, on occasion, punished those who made sport of the Church. In Harl. MS. 1330, fol. 16, is a quaint report of a case in Trinity Term, 12 Jas. I. An information was put into the Star Chamber against Sir John Yorke, his wife, and many others for permitting certain common players, "les Simpsons," to play in his house an Interlude in which there was a disputation between a Popish priest and an English minister in which the priest won; the weapon of the minister was the Bible, but that of the priest was the Cross; and the devil carried off the English minister, while an angel carried off the Popish priest. The play was much applauded. Sir John Yorke was not a recusant, and it was not proved that he knew beforehand the nature of the play, but he did not interrupt or reprove the players, and so he was fined £1000. His wife, a recusant, was fined the same amount; his brothers, one at least of whom was a recusant, were fined £3,500 a piece; and all of those who heard the play, £300 a piece.

in behalf of Bastwick, Burton, and Prynne having been read in the Star Chamber, the Archbishop of Canterbury made it an occasion to inform the Court "that in some of the libellous books and pamphlets lately published, his Grace and others of the Reverend Bishops of the realm, are said to have proceeded in the high Commission and other Ecclesiastical Courts contrary to the Laws and Statutes of the realm about which he prayed the judges might be attended, and they prayed and required in this Court to certify their opinions." By order of the Court this was done, and the subservient judges, of course, supported Laud and the bishops. On 4 July this certificate was read in the Star Chamber, and it was ordered by the Court "that the said certificate may be recorded in this Court, and in all other the Courts of Westminster, and in the high Commission, and other Ecclesiastical Courts, for the satisfaction of all men that the proceedings in the High Commission and other Ecclesiastical Courts are agreeable to the Laws and Statutes of the realm." And finally on 18 August the King issued a proclamation setting forth these things.[1]

Offenders against royal proclamations — "contemners of the royal pleasure and command" — were at least as early as the reign of Henry VIII the special prey of the Star Chamber. A proclamation of 19 Henry VIII against engrossing and forestalling of corn, etc., orders that the names of offenders be certified to the King and his most honorable Council in the Star Chamber, "there to be further ordered as shall stand with equity and the Common weale of this his Realme,"[2] and among the Star Chamber documents of this reign are proceedings in several suits against offenders against the royal proclamations concerning the exportation of grain, etc.,[3] and also a bill brought against one John Goodale for disregard of His Majesty's proclamation for the performance of the rites and ceremonies of the Church.[4] In 1583 the Lords of the Council wrote to the Lord Mayor and Aldermen complaining of the non-observance of Queen Elizabeth's proclamation prohibiting new buildings in and about the City of London, and directing that the names of offenders be certified to the Council in order that they may be called before the Star Chamber,[5] and the proclamations

[1] Rymer, Foedera, etc., Tom. XX, pp. 143–144, 156, 168–169.

[2] Harl. MS. 442, Art. 41. *Vide* Cal. State Papers, Dom., Hen. VIII, Vol. IV, no. 3822, for a certificate of commissioners appointed at this time for the West Riding to search barns, etc.

[3] Vol. I, pp. 22, 153; Vol. II, pp. 166, 170, 210–216; Vol. VIII, pp. 150, 151.

[4] Vol. XVI, p. 91.

[5] Remembrancia, Vol. I, pp. 495, 514.

of James I and Charles I usually contain a clause of warning that transgressors against them will incur the King's indignation and censure in the Court of Star Chamber. Chamberlain, writing to Carleton in 1620, said: "Indeed the world is now much terrified with the Star Chamber, there being not so little an offence against any proclamation but is liable and subject to the censure of that Court."[1]

Those who refused to submit to the Stuart kings' illegal methods of raising money also had reason to fear the Star Chamber. It was by that Court that Oliver St. John, in the reign of James I, was fined and imprisoned for writing a letter to the Mayor of Marlborough arguing that benevolences were contrary to the law. Sir David Fowlis and others, in the reign of Charles I, were fined by the same Court for inciting opposition to the payment of fines for failure to be knighted, and the Mayor and Sheriffs of London and the Sheriff of Suffolk were prosecuted there for neglecting to enforce the ship-money writ.[2]

It was not alone by the punishment of the opponents of the Crown, moreover, that the Star Chamber was useful. Through the medium of that Court the Crown exercised legislative as well as judicial powers. The Star Chamber, although primarily a judicial tribunal, participated in the legislative powers usurped by the King and his Council. The Star Chamber not only expounded the laws, but even made laws. It issued orders and decrees, often very comprehensive, and which in some cases are so closely analogous to orders in Council that they may not very incorrectly be regarded as such. The powers of this character assumed by the Court are partly explicable by the greater license then enjoyed by the courts in the matter of orders, but they were assumed the more naturally and extended the further, no doubt, because the Star Chamber remembered its origin. These large ordering powers were probably in part a survival of the days when the Court of Star Chamber was not distinguished from the Council.

The quotations from the Book of Entries already given reveal the fact that important orders issued from the Star Chamber in the reign

[1] Cal. State Papers, Dom., 1619–1623, p. 162. Hallam says that in 1610 Coke was summoned to the Council, where he was asked whether the King, by his proclamation, might prohibit new buildings about London and the making of starch from wheat. Coke answered that he would consult his brethren, and the Council chose three judges to confer with him. The conclusion of the judges was that the King, by his proclamation, could not create any offence which was not one before, etc. "Lastly they resolved that if the offence be not punishable in the Star Chamber, the prohibition of it by proclamation cannot make it so." Hallam, Cons. Hist. of Eng., Vol. I, pp. 335–337. This decision was certainly disregarded.

[2] Rushworth, Pt. II, pp. 1203, 1204.

of Henry VII, and, if the seeming impossibility of separating the Council from the Court of Star Chamber records at that time leaves it doubtful whether it would be correct to say that it was the Court which issued these orders, it is at least worth while to notice that corporations and companies were even then becoming familiar with the Star Chamber. There is an interesting entry, quoted both in Harg. MS. 216 and Add. MS. 4521, Art. 9, which has not yet been cited. In Michaelmas Term, 19 Henry VII, in the Star Chamber a day was given to the Mayor "and Cittie of London" to appear and show cause why the Tailors of the said City should not enjoy the effect of their letters patent of corporation lately granted to them by the King, and why His Majesty should not, by authority of his prerogative, have power by law to grant to the Mystery of Tailors the name of Merchant Tailors.

From the reign of Henry VIII on, certainly, the Court of Star Chamber had a special oversight over the trades and other companies. In February, 20 Henry VIII, the Star Chamber, upon a complaint of the artificers of London, issued an order commanding the enforcement of stat. 14 and 15 Hen. VIII, c. 2.[1] Among the Star Chamber documents of this reign (Vol. II, p. 44) will be found this memorandum of the Court:

"XXVI^{ti} day Octobrys. An° XXI^{ti}

M^{d} that dyuers artyficers Straungers warned by a sergeaunte at armes thys day appered afore the lords of the kyngs mooste honorable counsell at the Requeste & seute of the artyfycers Englyshmen. Upon reporte and Surmyse made by the sayde Englyshmen how that the same artyficers straungers wold nott stonde abyde ne performe the Decre made & gyuen by the lords of the kyngs mooste honorable counsell the XV day of Februarii the XX^{ti} yere of the Raygn of oure Soueraygn lorde kyng henry the VIII^{the} All though it be exemplyfyed under the kyngs brode Seale Whych ther contempts was declared unto them And therupon for dyuers Consyderations eftsons ordered & decreed by the lords thys same day present that the forsayde decre soo made & exemplyfyed Shold stonde in hys forse and strength And

[1] *Vide* Cal. State Papers, Dom., Hen. VIII, Vol. IV, no. 6709. In Vol. IX (p. 184) of the Star Chamber documents of this reign will be found a petition of the Wardens of the Cordwainers Company of London for powers to prevent the craft of "Stranger Cordwainers" increasing beyond the number of forty-four, as permitted by warrant, and to impose other restrictions in reference to the same; and in Vol. X a dissolution of an injunction restraining the execution of a decree obtained by the "Cordwainers Englishmen" against the "Cordwainers strangers" in the twentieth year.

also it ys forder ordered & decreed that the Sayde artificers Straungers aswell Cordwayuers taylors Skynars dyars Cutlars goldsmythes blake Smythes Brotherars lether Sellars Coupars Joynars payntars Fondars Wevars haberdashers Armuras and glasyars as all other Artyficers Spesifyed & namyde in the sayde decre Do stonde abyde parforme & obey all and Euery the contents of the same and where as an Iniunction was optaygned by sertaygne Coblars straungers Dyretted undo dyuers of the occupation of Cordewayners Englyshmen where in they were injoyned uppon payne of a C li that they sholdnott areste or sew ony person or persons of the Crafte of Coblars within the Citie of london accordyng to the statutes notwithstondyng the same decre Soo gyven whych injounction so graunted was to the brech of the Same decre & none performans of the sayde Decre wherfore it ys ordered and Decreed that the same injunction be dyssolued to thentent & purpos that in case the sayde artyfycers straungers or any of them shold herafter infrynge breke or ony thyng doo Contrary to the tenor & effect of the sayde Decre that then it shalbe leffull to the artificers Englyshmen to sew the same straungers or ony of them soo infryngyng or brekyng the same decre and that proved be fore the chauncellor of England or be fore the Mayor of london Shalnot only lose the benyfiet of the Sayde decre but shalnot ony longer hys occupation exersyse or uuse upon payne expressed in the sayd statutes Rehersed in the sayde decre."

Finally the Parliament of the same year by stat. 21 Hen. VIII, c. 15, ratified the order of 15 February, 20 Henry VIII.

Some orders of a different character were issued by the Star Chamber during this reign. On 30 November, 1535, the Star Chamber issued an order concerning the yearly election of the governors of the town of Beverley and for the quietness of the town;[1] and in Vol. VIII (p. 263) of the Star Chamber Documents will be found a decree "by the Kings most prudent discreet and honorable Counseill" that the citizens of Chester should at once proceed to the election of a Mayor, as that office was vacant by the death of William Holcroft, and must remain so until the usual time of election unless special provision was made to the contrary.[2] According to the notes in Lansd. MS. 160,

[1] Cal. State Papers, Dom., Hen. VIII, Vol. IX, No. 902.

[2] It may be incorrect to consider this as an order of the Court of Star Chamber, but, as has been said, the Court is sometimes styled "the Council" simply in the bills of this period. The order is signed by Thomas Wriothesley, Chancellor, W. Seint John, W. Essex, William Peke, and John Baker.

Art. 92, on 8 July, 19 Henry VIII, when all the justices, the Mayor of London, and many others were present in the Star Chamber, "an order was set down for the suppressing seditious prechers & those which taught heresies."[1]

The most famous of the Star Chamber ordinances are those regulating printing. In 1566 a Star Chamber decree laid down certain regulations in regard to printing. This decree, which is quite different in form from the later decrees of the Court,[2] followed upon the motion of seven commissioners. On 23 June, 1584, a second decree regarding printing was issued,[3] and on 23 June, 1586, followed, at the instigation of Archbishop Whitgift, still another decree, in order that "all persons using and professing the art, trade, or mystery of printing, or selling of books should from henceforth be ruled and directed therein by some certain or known rules or ordinances, which should be inviolably kept and observed, and the breakers and offenders of the same to be severely and sharply punished and corrected."[4] In 1622 James I issued a proclamation for the better enforcement of the decree of 1586,[5] and in 1637 a new decree, reaffirming the former decrees and ordinances, but with additions and alterations, was drawn up by the Lord Keeper, the Archbishop of Canterbury, the Bishop of London, the Lord Treasurer, the Lord Chief Justice, and the Lord Chief Baron, was produced in the Court by the Attorney General, and went forth with the seal of its approval to be printed by Barker, the King's printer.[6]

In Lansd. MS. 28, Art. 29, is what is certified to be a "vera copia" of "An order requyred to be set downe in the Starre chamber betwene the company of Haberdasshers and the Hatt or Feltmakers and by

[1] According to the same notes, on 25 May, 21 Henry VIII, an "oration" was made in the Star Chamber by the Lord Chancellor and, after that, another by the King himself about the suppressing of heresy.

[2] It is more like an order in Council than a decree of the Star Chamber, but the bill of John Day against Roger Ward and William Holmes in 1582 speaks of the "order or decree" of 1566 as having been made by the Court of Star Chamber. Arber, Vol. II, p. 753. As the Council Board frequently sat in the Star Chamber, many of its orders are dated there. See, for example, Lansd. MS. 160, Art. 73, and many orders preserved among the Remembrancia. Such orders should not, however, be confused with orders of the Court of Star Chamber at a time when the distinction between the two bodies had become fully established.

[3] *Vide* Cal. State Papers, Dom., 1581–1590, p. 184.

[4] Strype's Whitgift, Vol. I, pp. 422–423. This decree is printed by Arber. A MS. copy will be found in Lansd. MS. 905, Art. 15.

[5] Rymer, Tom. XVII, p. 522; reprinted by Prothero, Select Statutes, etc., pp. 394–395.

[6] "A Decree of the Starre Chamber concerning printing," etc.

their owne assente made and devysed and on both their partes promysed and agreed to be perfourmed and kepte." The order is dated 29 January, 1577, and the witnesses to it, besides six hatmakers and thirteen haberdashers, are Burghley, Leicester, Sussex, Hunsdon, Thomas Wilson, and Walter Mildemay. It arose from a controversy between the company of haberdashers in the city of London and the hat and feltmakers in and near the city of London as to whether the feltmakers were under the government of the company of haberdashers. The order decided in favor of the haberdashers, and the insubordinate feltmakers are warned to observe the laws and ordinances of the haberdashers, "as they will avoid the contempt of this honorable Court & answer to the contrary at their perils."

Some of the Star Chamber ordinances grew directly out of sentences pronounced against violators of royal proclamations. When, in 40 Elizabeth, one Edward Cooke brought suit in the Star Chamber against Rice Griffin and John Scrips for having divided tenements notwithstanding the proclamation of 1580, not only was sentence pronounced against the offenders, but "att the humble petition of the Lo: Maior and aldermen of the Cittie of London and other the justices of the peace of the Countries of Middlesex and Surrey that the Courte would be pleased to sett downe & decree some laste and generall order in this and in all other like Cases of newe buildings and devisions of Tenements," the Court "generallie Consideringe the great growinge evills and inconvenyences that Contynuallye breed and happen by this newe erected buildings and devisions made and devyded Contrary to her Ma^ties^ said proclamation. And well weyinge the reasons of the said Lo: Maior and Aldermen of the said Cittie and Justices of the Counties aforesaid in that behalfe," provided that the poor occupying such tenements should pay no rent, and that, after their death, the tenements should be destroyed.[1] On 29 November, 7 James I, the Court ordered that this decree and order "should be presently and from time to time thereafter more severely looked into and put in execution," and in 12 Charles I it was published anew with additions and alterations.[2]

In the reign of Charles I the Star Chamber also undertook to regulate the trade of soap-boiling. After the King's proclamation concerning the manufacture of soap there were those who disregarded his orders, and in consequence fell into the clutches of the Star

[1] Harl. MS. 299, Art. 7, fol. 95.

[2] "A decree of Starre-Chamber concerning Inmates," etc.

Chamber. These offenders received a severe sentence on 10 May, 9 Charles I, and were forbidden to use their trade.[1] But, in spite of the example thus made, many others also offended. The Attorney General then informed the Court of these new offences, and "humbly prayed that in a case of this extraordinary nature, wherein the Public had so much interest, this Court would take these things in their Consideration and honorable cares and for the future settle and establish such order for the government of this Trade, which hath long continued irregular and without any government at all, as may prevent those abuses which otherwise, without the aid of this Court, cannot be prevented." The Court then, "taking the premisses into their grave consideration," set forth a decree of eleven articles which regulated carefully the trade of soap-boiling.[2]

In 9 Charles I the Star Chamber also issued a sort of miscellaneous decree "against Ingrossing, and especially of grain by Chandlers; that Taverners should not sell victuall in their houses, for that is against the Law; that Bakers sell not at 14, 15, or 16 to the Dozen, as hath been used; against the excessive Rates of Ordinaries, that none exceed two shillings the Meale; that Ordinary-Keepers, Taverners and Victuallers keepe not house of gaming; for the present Rates of Horsemeat, and for regulating for the future; for suppressing in convenient time of Pettie-Ostryes in corners, kept by such as are neither Victualers, nor In-keepers, not answerable for the Goods of their Guests."[3] This decree was issued, not immediately in the wake of any sentence pronounced by the Court,[4] but upon the presentation of the evil conditions existing in these matters by the Attorney

[1] For the well-known case of John Overman and fifteen other soap-makers, *vide* Rushworth, Pt. I, pp. 165–166.

[2] Rushworth, Pt. II, Appendix, pp. 109–115.

[3] "A Decree lately made in the High Court of Starre-Chamber, after consultation," etc.

[4] Two years earlier, in Michaelmas Term, "one Archer of South Church in Essex was brought ore terms [before the Star Chamber], being then charged by Mr. Atturney generall for keeping in his corne & consequently for inhanceing the price of corne this last yeare." In his defence he alleged that his barn was not visited by any justices or officers according to the King's late proclamation and orders, and that he had had no notice of the proclamation and orders. He was condemned to pay 100 marks to the King, £10 to the poor, and to wear papers. In the same term the King's attorney brought in another bill against William Taylor and others "for forstalling the marketts, malting contrary to the King's orders &c, & inhanceing the price of corne." Reports of Cases in Star Chamber and High Commission, edit. by S. R. Gardiner, pp. 43–49, 82.

General, who, in accordance with the directions of the Council Board, had consulted with the justices of both Benches and the Barons of the Exchequer, and secured a certificate of their opinion.

In other ways also the Court of Star Chamber figured less as a judicial tribunal than as "the Council of State"—a title which it bore. If foreign ambassadors were not commonly received in the Star Chamber after the reign of Henry VII, at least the Danish Minister once in the reign of Elizabeth addressed the Lords of the Star Chamber,[1] and twice in the reign of Henry VIII the ambassadors of Scotland dined with the Lords in the Star Chamber after the sitting of the Court.[2] Moreover, important matters of state were often rehearsed before the Court of Star Chamber, and measures which had been taken publicly recounted and explained. Harangues on various matters not particularly pertaining to the welfare of the State were also poured out there. The Star Chamber served, somewhat like Parliament itself, as a means of communication between the sovereign and the people, but here it was the former who did all the talking.

Sometimes the Lord Chancellor or Lord Keeper in the beginning of the Term delivered an address, in which he touched upon important political questions, and, as it was customary to call the Westminster judges and any justices of the peace who were in London, and other persons as well at times, into the Star Chamber before the judges went on circuit, to receive the instructions of the Crown from the lips of the Lord Chancellor, these occasions, too, were seized upon as convenient opportunities for statements of various kinds. This custom was apparently as old as the reign of Henry VII, for, according to the Book of Entries, on 3 July, 4 Henry VII, "the Maior and Cittizens of London and Judges and Barrons of the exchequer were before the Counsell, And before them then were newes published."[3] Cavendish tells how in Michaelmas Term, 1527, Wolsey "caused an assembly to be made in the Star Chamber of all the noblemen, judges, and justices of the peace of every shire that were

[1] In Lansd. MS. 63, Art. 45, is a copy of a speech and protest, in Latin, of the Danish Minister before the Lords in the Star Chamber, 26 June, 1590. It is addressed "Ad Illustrissimum Senatum Regni Angliae."

[2] *Postea*, p. 71, and note 1.

[3] This entry, in Latin, will be found both in Add. MS. 4521, Art. 9, and in Harg. MS. 216, but the translation here quoted only in the former.

at the present in Westminster Hall, and there made to them a long oration declaring unto them the causes of his embassy into France, and of his proceeding there."[1] According to the notes in Lansd. MS. 160, Art. 92, on 8 July, 19 Henry VIII, all the Justices and the Mayor of London were present in the Star Chamber; and Hall relates that on 13 February of the same year "the Cardinall being in the Starre chamber, called before him all Justices of ye peace and other honest personages to a great number," and gave utterance to a long explanation of the war with Charles V.[2] At the close of Hillary Term, 1538, it was proclaimed in the Star Chamber, "in the presence of the Lord Chauncellor and the Lordes of the Kinges Councell, with divers Justices of the Peace of diverse shires in Englande, that the sayde justices shoulde causse the Bible and Testament in Englishe to be had in their shires, and see that the curates and priests should preach the worde of God syncerelye and trulie to the people, and suffer the people to have the Bible and Testament in Englishe, and to see that they accused no person of heresie, but that he should be examined and tried afore the justices in their Sessions, and there to make their aunsweres and trialls accordinge to the statutes of this realme for the same, upon payne of the Kings displeasure," etc.[3]

In Harl. MS. 353, Art. 8 (fol. 44), is preserved a copy of a royal proclamation of 30 April, 1548, by which the King commands "all and singuler his Judges at westeminster and other Justices of peace within any parte or sheire within this his Realme of England nowe

[1] Life of Wolsey, Vol. I, pp. 122–123.

[2] Chronicle, p. 742.

[3] Wriothesley's Chronicle (Camden Soc.), Vol. I, pp. 74–75. On 23 February, 31 Henry VIII, the Lord Chancellor "opened . . . . the Kinges Ma^{is} will and pleasure unto the Readers of the Innes of Corte and Chauncery, and other learned men, then beinge present in the Starrechamber admonishinge and warninge them, on his Ma^{is} behalfe not onlie truelie & iustlie to interprete and expound his Lawes and Statuts in their Readings and Mootes, but alsoe so instructe, aduise, and Counsell in the Lawe accordinge to the verie iust and true meaninge of the Lawes and good Statuts of the Realme, without subtle practise, Imaginacon or Deceipte, & speciallie in such lawes and statuts as be made for the maineteynance aswell for the Kinges rights and prerogatives, as for the intereste of the nobles and other his Lovinge subjects of the Realme, for Wardshipps, primarie Seasons, releifes, and such like services as should growe and be due by reason of Tenor by knights service soe that," etc. Add. MS. 4521, fol. 120. The Star Chamber was wont to keep an eye on the Inns of Court. In this case the Readers were probably called in to receive a special lesson, for this address was preliminary to the sentence of Sir Humphrey Brown, etc., for giving counsel against the King.

beinge or that shalbe within the Cittie of London and westeminster or the suburbes of the same," to appear the following Friday morning, by eight o'clock, "before the Lord Chauncelor of England and others his Counsell in the Starre Chamber, there to hear the King's pleasure." The Lord Chancellor addressed the justices there in the following year also,[1] and Edward VI records in his Journal that on 24 October, 1550, "the Lords sat in the Star Chamber, and there declared the Matters and Accusations laid against the Duke [of Somerset], meaning to stay the minds of the People."[2]

During the reign of Elizabeth and afterwards, up to the time of the abolition of the Court of Star Chamber, political discourses were frequently delivered before it. On 29 November, 1567, Sir Nicholas Bacon spoke there against seditious books and libels.[3] On 28 November, 1573, Lord Burghley spoke there in the name of the Queen in regard to the religious disorders of the time.[4] In 27 Elizabeth the Earl of Northumberland's treasons and the manner of his death were publicly narrated in the Star Chamber to prevent suspicion of foul play on the part of the government.[5] After Essex's escapade in Ireland, Elizabeth caused the subject to be aired in the Star Chamber, when the Justices were present at the last sitting in Michaelmas Term, 1599. First the Lord Keeper spoke of the slanders spread abroad against the government on account of the trouble in Ireland, explained the cause of the disaster, and charged the justices of the peace to put down all such infamous rumors against the government. Then the Lord Treasurer spoke, dwelling particularly upon the strength and thorough equipment of Essex's army. Next the Lord Admiral said that his office enabled him to know how careful the Queen had been in regard to Ireland, and expressed a wish that the libellers of the government should be punished. And afterwards the Lord Chamberlain, the Comptroller, Secretary Cecil, and Sir John Fortescue all spoke in turn.[6] On 13 June, 1600, Chamberlain wrote to Carleton: "I was yesterday at the Star Chamber upon report of some speciall matter that shold be delivered touching my Lord of Essex, where the Lord Keper made a very grave speach in nature of a charge to the Judges, to looke

[1] Strype's Cranmer, Vol. I, p. 292.

[2] Journal of Edward VI, p. 49.

[3] Cotton MS. Vespasian, C. XIV, Art. 225.

[4] Strype's Parker, pp. 456–458. Cotton MS. Titus, B. II, Art. 119.

[5] Holinshed, pp. 1404–1405.

[6] "The Earl of Essex Vindication," etc.; Cotton MS. Titus, B. X, Art. 49; Cal. State Papers, Dom., 1598–1601, p. 351.

to the overgrowinge idle multitude of justices of peace, to maintainers and abettors of causes and suites, to sollicitors and pettifoggers, to gentlemen that leave hospitalitie and housekeping and hide themselves in cities and borough townes, to the vanitie and excesse of womens apparell, to fore stallers and regraters of markets, to drunckards and disorderly persons, to masterles men and other companions that make profession to live by theire sword and by theire wit, to discoursers and medlers in princes matters, and lastly to libellers; upon occasion whereof he fell to a digression how mercifully her Majestie had dealt with the Erle of Essex in proceeding with him so mildly and by a private hearing, whereas if he had ben brought to that place he could not have past without a heavie censure, the avoiding whereof must only be imputed to God and her Majesties clemencie, upon an humble letter he wrote that night before he was to appeare that she wold be pleased to let that bitter cup passe from him," etc.[1]

In the Star Chamber reports in Harl. MS. 1330, Art. 1, it is stated (fols. 4–5) that in 2 James I, when, at the close of Hillary Term, "touts les Justices de Angliterre fueront assembles ove plusors del Noblety," it was declared, after the exhortation to the justices, that the Puritans had raised false rumors that the King intended to grant toleration to the Papists, but that the King had expressed his displeasure at this false rumor, and had the day before made protestation to the Lords that he "nunquos ceo intend et qil voit parder le darraigne dropp del sanke in son Corps devant il voit ceo faire." James I was fond of coming in person to the Star Chamber to display his eloquence. Lord Carew writes that on 20 June, 1616, "the Kinges Majestie in person satt in the Starre Chamber where he made a long speeche to the admiration of the hearers, speakinge more like an angell than a man, and he promises to frequent thatt place oftener."[2] When Bellingham and Christmas were before the Court in February, 1617, for a duel, James came twice and expressed many Jacobean sentiments.[3] Hudson says (p. 9) that during the hearing of the cause between Sir Thomas Lake and the Countess of Exeter the King "sat five continual days in a chair of state[4] elevated above the table about which his lords sat:

[1] Chamberlain's Letters, pp. 77–78.

[2] Letters of Lord George Carew (Camden Soc.), p. 36. See a minute of Sir Julius Caesar of this speech in Lansd. MS. 160, Art. 17.

Bacon claims the credit of having been the first to advise James to go to the Star Chamber. See a letter from Bacon to the King, Spedding's Life, etc., of Bacon, Vol. VII, p. 70.

[3] Reports of these speeches will be found in Harl. MSS. 1576, Arts. 8, 9.

[4] Manningham writes in his diary in 1602: "In the Star Chamber the benche on that part of the roome where the Queenes armes are placed is always vacant; noe

and after that long and patient hearing and the opinions particularly given of his great council, he pronounced a sentence more accurately eloquent, judiciously grave, and honorably just, to the satisfaction of all the hearers, and of all the lovers of justice, than all the records extant in this kingdom can declare to have been at any former time done by any of his royal progenitors." In fact, he pronounced sentence "with more than Solomon's wisdom."[1]

Charles I, less given to speech-making than his father, does not appear to have attended the Court of Star Chamber in person. But a noteworthy use was made of the occasion of the assembling of the Justices in the Star Chamber on 14 February, 1536. The King caused the attested opinion of the judges in favor of his right to levy ship-money throughout the kingdom to be read in the Court — "the reading of which so publicly seemed a surprise to some of the judges present."[2]

Springing from the Council and controlled by it, the Court of Star Chamber shared in the powers and the labors of the parent body. The Court was more than a court; it was, as Bacon said in writing to King James, "an open Council."[3] The publicity of its proceedings led the Council to hand over to it any matter which for any reason ought to have an open hearing rather than a private one before the Council Table,[4] and the great power of the Court made it temptingly efficient

man may sitt on it, as I take it, because it is reserued as a seate for the Prince, and therefore before the same are layed the purse and the mace as notes of authority." Diary of John Manningham (Camden Soc.), p. 53. Henrietta Maria attended the hearing of the case of Sir Anthony Pell *vs.* Sir James Bagg and others in November, 1635. She did not, however, sit in the Court itself, but in a room which had a window looking into the Court. Rushworth, Pt. II, p. 303.

[1] Chamberlain wrote to Carleton that the King sat very patiently in the Star Chamber, but found fault with the repetitions of the lawyers.

[2] Rusworth, Pt. II, p. 356.

[3] Bacon uses this expression in two letters. *Vide* Spedding, Vol. VII, pp. 70, 289.

[4] See the Lord Chief Baron's reasons, already quoted, for wishing to be brought before the Star Chamber rather than the Council Table. Grindal was informed that "her Majesty findeth it expedient to have the world understand her actions in this matter; and also to have the Archbishop's misdemeanors declared and to call him to answer to the same. Therefore he is to answer hereunto in that open place" (*i. e.*, the Star Chamber). Strype's Grindal, p. 348. Sir John Smythe, writing to Burghley, complains because, instead of being called before the Council Table, he has been brought "into a public audience in the Star Chamber." Cal. State Papers, Dom., 1595–1597, pp. 422–423.

as a means of giving emphatic utterance to the will of the Crown. It was but natural, therefore, that the Long Parliament should attack simultaneously the Star Chamber and the Council.[1]

[1] The committee appointed on 3 December, 1640, was to consider the jurisdiction of the High Commission Court of Canterbury and York and of the Star Chamber. It was on 12 January following that it was resolved "that this Committee shall have power given them to take into their Consideration the undue Proceedings of the Council-table."

III.

The presiding judge of the Court of Star Chamber was the Lord Chancellor or Lord Keeper or, in his absence, the Lord Treasurer, the Lord President of the Council, or the Lord Privy Seal.[1] The going of the Lord Chancellor to the Court was a ceremonious occasion. Cavendish, in a famous passage, describes how Wolsey with a great display of the pomp he loved made his way to Westminster Hall to sit in the Star Chamber and the Chancery; while Hudson says that all the great dukes, marquises, earls, barons, and council of state attended the hour of the Lord Chancellor's going to sit in the Star Chamber, and that the ensigns of honor, the mace and the seal, were carried in before him. As presiding judge of the Court he enjoyed the privilege of speaking with covered head, while the other judges uncovered when speaking:[2] he gave the rule and order of the Court, directed which counsel should speak at the bar, commanded the attendance in the Court of any judge whose presence some feature of the case before the Court might make desirable, directed every case and appointed the day of hearing, cast the deciding vote in case of a tie at the sentence, and could hasten or delay the punishment after sentence. Suitors sought his favor and appealed to his authority.[3] The determination of costs was also left to the Lord Chancellor, who, according to a statement in Harg. MS. 482, fol. 8*b*, "euermore the next day after the Terme" sat "purposely to determine the same and such other buisness." The Lord Chancellor, moreover, received special compensation for his attendance in the Star Chamber. Sir Thomas More received as Lord Chancellor 142 l. 15 s. a year, and for his attendance in the Star Chamber

[1] At the time of Davison's trial the Lord Chancellor was ill, and Lord Chief Justice Wray sat as Lord Privy Seal.

Hall says that when the Seal was taken from Wolsey the Dukes of Norfolk and Suffolk came into the Star Chamber, on 19 October, and said the King had appointed them to sit in the Star Chamber to hear and determine causes, and this they did during that week.

[2] Hutton, in his report of the arraignment of Lord Audley, says the Judges, "when they are called into the Star Chamber, or to Errors in the Exchequer Chamber, sit covered with their caps." Reports, p. 117.

[3] By way of illustration, *vide* the letters to Burghley in Lansd. MSS. 69, Art. 5; 79, Art. 51; 84, Art. 71. Hudson says that the right of the Lord Chancellor to receive letters from suitors was abused in latter times.

200 l.;[1] and Elizabeth's Chancellor received the same amount for attendance in the Star Chamber in addition to his yearly stipend of 419 l.[2]

The chief officer of the Court was the clerk, who bore the title of "the Clerk of the Council of State." Lord Burghley, in the Star Chamber speech quoted in Harg. MS. 216, "declared before all the presence that the same Court was the Councell of State of this Realme and the Clerke thereof the onely Clerke of the Councell of State and the Clerke of the Councell of England and that there was noe other Clerke of the Queenes Councell of state but onely the Clerke of this Court, And that the others were Clerkes of the Privy Councell attendant upon her Ma^ties^ Royall person and those other Clerkes were to attend at the Councell Table."[3] In Harg. MS. 404, fol. 73, is an amusing account of the swearing in of Sir William Penyman as chief clerk in 14 Charles I. He "was sworne cheife Clerke of ye Starre-chamber kneelinge upon a cushion on the midst of the table & the Common Prayer booke was giuen him to be sworne upon but my Lo. ArchB. [*i. e.*, Laud] was very angry & demanded a Bible sayinge softly to him yt satt next him y^t^ hee would maintaine the autority of the Common prayer yett would he not suffer any to be sworne upon it. other softly whispered an oath ought to be taken *Tactis Euangeliis* &c. Nor was hee sworne till a Testament was brought. Upon a second refusall of one to be sworne by ye Lo. ArchB. Term Pasch. 15° Car. a new Testament was bought & always reddy in Court."

The clerkship of the Star Chamber was in the gift of the Crown, and the yearly wages were 26 l. 13 s. 4 d. besides the robes of state.[4] It was the duty of the clerk to receive, endorse, enter, keep, and certify the bills, pleadings, records, orders, rules, sentences, and decrees of

[1] Cal. State Papers, Dom., Hen. VIII, Vol. IV, no. 6079.

[2] *Vide* the account of Queen Elizabeth's expenses published in Peck's Desiderata Curiosa (London, 1772), Lib. II, p. 51.

[3] Harg. MS. 216, p. 349. Hudson says (Pt. II, § vii) that the clerk of the Star Chamber was "first clerk of the Council in place, being so created by the Heralds at Queen Elizabeth passing through the City of London to St. Paul's in the year 1588 to give Almighty God thanks for the conquest of the Spanish King's navy." *Vide ante*, p. 36, note 1.

[4] Cal. State Papers, Dom., Hen. VIII, Vol. IV, no. 1939 (9); Desiderata Curiosa Lib. II, p. 58; Hudson, Pt. I, § vii. Hudson says that besides his salary the clerk "hath his scarlet robes at the times of coronation and such like." According to Harg. MS. 237, Art. 2, he received "two Liverye Gownes, one of Damaske, ye other of wroght velvet," and his yearly salary was £36.

the Court; but, at least in later days, most of the work pertaining to the office was performed by a staff of under-clerks—the registrar, who drew up the orders, decrees, etc., of the Court, the clerk of the files and warrants, the clerk of the records, the clerk of the rules and affidavits, etc., besides two "sworn clerks," "the one for the decrees of open court, the other for ordinary course."[1] Hudson gives vent to a complaint because the clerk had in later years taken it upon himself to appoint certain minor officers of the Court — the examiners, whose duty it was to take the depositions of witnesses. In the time of Henry VII, he says, the clerk took no examinations, but the Lord Chancellor or other principal judge appointed the examiner, and to him the right of that appointment must belong rather than to the clerk. "I have in my custody," he goes on to say, "some antient collections of the officers of the court, collected long before my time, by which it appears the clerk of the court, within these forty years, compounded with the lord chancellor for the appointment of those places."

Besides the salary which he received from the Crown, the clerk was entitled to numerous fees, a table of which was fixed in the Court, and, as the office was usually delegated, men of high station were glad to secure so lucrative a post. Bacon regarded the office as worth £2,000 per annum[2] and sought it for himself. In 1589 he received from Lord Burghley a grant of the reversion of it, but the reversion did not fall in until July, 1608, when William Mill, Lambard's "ancient favourer," who had held the office since 15 Elizabeth, died.[3] While

[1] Hudson, Pt. I, § vii; Harg. MS. 216, pp. 387–389; Lansd. MS. 639, p. 41. In Harl. MS. 6448 mention is made of a keeper of the records and of two copying clerks.

[2] Spedding, Vol. IV, p. 21. Probably the clerk often received gifts. See in Cal. State Papers, Dom., Hen. VIII, Vol. IV, no. 3380, some accounts of the Earl of Northumberland, by which it appears that he twice gave money to the clerk of the Star Chamber.

[3] Lord Ellesmere wrote to his son on 19 July, 1608: "On Saturday mornynge, about five of the clock, God toke out of this lyfe Mr. Mylle of the Starre Chamber, and because nature cannot suffer vacuum, Sir Francis Bacon (afte 19 yeares expectation) was sworne before me to that place before 2 in the afternoone." Egerton Papers, p. 427.

As might be expected, the clerkship was in demand. In 1604 the office was granted to Sir Oliver Manners and Sir Thomas Savage in reversion after Mill and Bacon, but in December, 1607, it was granted to Humphrey May and Thomas Bennett in reversion, and in 1609, after Mill's death, it was granted to William Uvedale, Jr., and Humphrey May in reversion after Bacon, and with reversion after Uvedale to William Morley. *Vide* Cal. State Papers.

Bacon held the office in reversion, Mill, moreover, got into trouble on account of the fees he exacted. The Attorneys of the Court assailed Mill for seeming to assume that they were his clerks, as early as 1590, at which time Mill, roused to it by one of their arguments, wrote that "Discourse concerning the Antiquity of the Star Chamber," copies of which are preserved in Harg. MS. 216 and Add. MS. 26,647.3.[1] In March, 1593, a "Bill for the better expedition of Justice in the Court of Star Chamber," which apparently grew out of the complaints against Mill, and which proposed to deprive him of the clerkship, was brought into the House of Commons, but was thrown out on the second reading. Bacon spoke against the Bill, saying, among other things: "First there is cunning shewed in the Bill and for that my Lord Keeper might be affected it seems to give him the bestowing of the Clerk's places. Secondly, to insinuate with practising lawyers, it gives them a fee; for no interrogatories should be administered whereto their hand was not under. Thirdly, it offered also some kindness to me, for it gave a present forfeiture of the office upon sundry defaults. Fifthly, to the subject in general it pretended a very great relief. So that it carried a plausible show, but indeed the Bill was in itself prejudicial to her Majesty, inconvenient to the Judges of that Court, and burthensome to the subject. Prejudicial to her Majesty for it makes a diminution of her inheritance; inconvenient, for the clerk's place hath always been in her gift and this Bill would carry it to the Lord Keeper, who never before had it. It is an indignity offered unto the Court for that the Clerk must be ordered by an act of Parliament, as if their wisdom and care were not sufficient to relieve any abuses they should find in their officers to the grief of the subject. Great injury is offered to the parties interested; for first, an office which is incident unto the clerk is given from him, he shall not have the appointing of his own examiners. And again the ancient fee hath always been twelve pence the sheet, and as much in other Courts; therefore this is not tolerable."[2] In the beginning of 1594 Mill was imprisoned,[3] but apparently only for a short time and without losing his office. In May, 1596, an order, bearing the name of Lord Keeper Egerton, laid down some regulations in regard to the prosecution of

[1] See in Lansd. MSS. 66, Arts. 98, 99, two letters which Mill wrote to Lord Burghley at this time.

[2] D'Ewes Journals, pp. 504–505.

[3] Lord Burghley wrote to Sir Robert Cecil on 17 February, 1594: "I am glad that her Majestie is satisfyed with my answer for Mills's imprisonment." *Vide* the letter in Thomas Wright's "Queen Elizabeth and Her Times" (London, 1838), Vol. II, p. 442.

suits in the Star Chamber.[1] In this order the clerk and other officers of the Court were prohibited from taking any new fee or reward for anything done or executed "by force of this order or of anything therein contained, saving always such ancient fees as to them or any of them appertained by virtue of their or any of their offices or place before the making hereof." About this time Egerton was looking into the fees and abuses of various courts, and was contemplating an attack upon those of the Star Chamber. In January of 1597 Bacon wrote to him as follows: "I have understood that your L. hath an intention to reduce the office of Clerke of the Starrechamber to the just and lawfull fees, and to purge it of the exactions newly imposed, and I was advysed by a wise friend to desire umbly of your L. to be called unto it. But truely, my good L., I am determyned not to meddle in it: first, because my tyme is not yet comme in presence, at lest for any thing doth yet judicially appear. Next, bycause I trust your Lo. judgment better than myne owne; and sure I am, as long as it is in your good hand, *terminus antiquus non movebitur*. Lastly, bycause looking into the matter at first, and synce better infourmyng my self, I fynd the ground to watry for me, or any other to stand upon."[2] In the following May Bacon again wrote to Egerton: "I humblie praie your L. to conceive that I holde it no augementation nor raysing to the office, but a pulling downe and cancre to it, if anie unjust fees should cleve to the same: and as I knowe myne owne mynde in this, soe I have that good estymation of Mr. Mill, as I suppose he beareth the same mynde. . . . . Your L. course, as I do apprehende it, is to restraine such fees as are not auncient fees. But then the question is, what [is] to be understoode for auncient fee." Bacon then discusses in his letter the antiquity of certain fees, and adds: "Now, if theis defences, laid unto Mr. Mill his particulare awnswers, shall seeme unto your L. reasonable for the proveing theis fees to be in true understanding auncient fees, (which defences, by the presidentes and courses of all other Courtes, mought be amplyfied and fortified,) and neverthelesse it shall seem unto your L. that notwithstanding you shoulde be pleased to give allowaunce to the matter of them, yett that there was an error in the fourme because the Clerke of the Counsell did forerunne in taking of them de facto, as fees which he supposed to be auncient and due unto him, and not putting uppe som petition unto your L. and

[1] Copies of this order will be found in Harl. MS. 2310, Art. 1; Lansd. MS. 639, p. 34; Harg. MS. 237, Art. 3, and Add. MS. 4521, fol. 27.

[2] Egerton Papers, p. 272.

the rest of the r. ho^ble^ the Judges of the Corte for the declaring and ordering of them accordingly, then my humble request unto your L. is, that that which hath not yett bin done may now be don, and that your L. will be pleased to give us leave to become humble suitors to your selfe principallie, and the rest aswell, for the establishing by your ho. order these fees according to reason and convenience, and the true equitie and understanding of auncient usage, as also for the redresse of some wrounges and abuses which Mr. Mill fyndeth to be committed by the Atturneys and other Clerkes, to the prejudice both of this office, being of her Ma^ties^ gyfte, as also of the subjecte and sutor."[1]

In part, perhaps, as a result of this appeal some "Orders for the Reformation of the dilatorie Proceedings in the Causes preferred and presented in her Majesties most Honorable Court of Star-chamber; intended for the ease and expedition of suitors," etc.,[2] which were issued in December of the same year, regulated, among other things, the fees to be taken by the clerk. But in this same year, 1597, a bill against Mill, accusing him of extortion and of falsifying and entering in the records six years after date an order of the Court which concerned "his own benefitt" was introduced into the Star Chamber.[3] The matter dragged on until February, 1601, when the Queen finally, in a letter to the Archbishop of Canterbury and other councillors, commanded that the proceedings against Mill should be "revoked, cancelled and made utterly voide," and directed that those whom she addressed "entring into a serious consideration and viewe of the nature of the function and qualitie of the officer, with the severall droits and fees of righte to the service apperteyninge, establish and assigne the same, or such of them as in your wisdomes and iudgments shall appere proper and fitte to be allowed, and the same to confirme unto the saide William Mill."[4]

No single fee of the clerk was large (the largest was 10s.), but in the aggregate, and in conjunction with the other fees to be paid, the clerk's demands must have been a heavy drain on the purse of anyone

[1] Egerton Papers, pp. 429–432.

[2] Copies of these orders will be found in Harl. MS. 2310, Art. 5; Lansd. MS. 639, p. 35; Stowe MS. 145, Art. 19, and Add. MSS. 4521, fol. 30 and 26, 647.4, fol. 216. See in Harl. MS. 2310, Art. 7, a copy of a "Presentment" of the Star Chamber fees said to be made 3 May, 1598 (see also Lansd. MS. 639, pp. 41–42), and in Harg. MS. 216, p. 386, a list of the fees taken by Mill which were afterwards reduced or altogether disallowed.

[3] A brief of the bill will be found in Lansd. MS. 86, Art. 42.

[4] Egerton Papers, p. 317. Cal. State Papers, Dom., 1598–1601, p. 542.

who had business with the Star Chamber. And Mill probably was not the only one who had a tendency to exact more than his just dues. In 3 Charles I the fees of the Court apparently were in question again.[1]

According to Hudson there were originally but two attorneys of the Star Chamber, one for the plaintiff and one for the defendant, but afterwards a third was appointed, "upon suggestion that it were fit the suitor might have election of some choice," and finally a fourth.[2] The position of the attorneys seems to have been imperfectly defined. Richard Eden, clerk of the Star Chamber in Henry VIII's reign, claimed the gift of the attorney's place, says Hudson, but was rebuked by the Lord Chancellor who had the gift of the office in Hudson's day. The attorney received a fee of 3s. 4d. for the first appearance of his client, and the same fee for every term that the cause continued in Court, besides a number of other fees for various services performed.[3]

A minor officer of the Court was the usher. The account which Hudson gives of the duties of this officer adds a few touches to the picture of the great Court. It was his duty "only to keep the place, where the court is kept, comely for so great a presence and safe for the records which are there laid, and to attend the clerks of the court and the attornies at all times to search and lay up the records and also to call all persons who are bound to attend the court, and if they make default it is recorded; also to make silence and to attend to the lords for all things they have used. He hath a convenient house for his habitation and besides his fee from his majesty, hath one shilling for the appearance of every man which appeareth in court,[4] besides great profit for

[1] See in Lansd. MS. 639, p. 38, a copy of a "Presentment made in Hillarie Terme An. 3 Car. Rex to the Commissioners for inquirie after innovated offices and exacted fees by the officers of the Court and other Clarkes."

In 1623 Henry Parker, late deputy clerk of the Star Chamber, complained to the King that he had been driven out of his office by the under-clerk, whose abuses in office he had exposed, and advised him to create an office of Prosecutor of Fines in the Star Chamber to prevent abuses, requesting at the same time that the office be given to himself. Cal. State Papers, Dom., 1619–1623, p. 595.

[2] As Sir Thomas Smith speaks of but three attorneys, the fourth must have been added after his day.

[3] A list of the attorney's fees will be found in Harg. MS. 237, Art. 2, and in Lansd. MS. 639, p. 39. In Lansd. MS. 44, Art. 7, is a list of the fees to be taken by counsellors in the Star Chamber. It does not appear that there was a special staff of Star Chamber counsellors.

[4] He received other fees also. See a list of the usher's fees in Lansd. MS. 639, p. 39.

preparing convenient places for young noblemen and men of quality, which flock thither in great abundance when causes of weight are there heard and determined." The ushership was in the gift of the Crown, and was generally, if not always, held together with the ushership of the Exchequer.[1]

There was also a steward "of the Lords Diette att the Starrchamber," as well as a butler and other kitchen officials. In 1589 Francis Guilpin, who had been removed from this stewardship, apparently upon the incoming of a new under-treasurer, John Fortescue, tried to prove his right to continued possession. The arguments which he brought forward to show that the steward ought not to be removed without cause were, that the office was "a publique Seruice to the state, viz. to the Lords of the Realme, for whom it was first instituted, and to whom it is employed for there diette there," and that the salary of the holder of the office was "paieable out of the Receipt, as from the Q. ymmediatlye."[2]

During the reigns of Henry VII and Henry VIII the Court of Star Chamber apparently sat more frequently than in after-years.[3] At different times during Henry VIII's reign different days of the week were named as Star Chamber days. In Trinity Term, 8 Henry VIII, the Lords "appointed to sitt here on the Mondaie, Tewesdaye, Thursdaye, and Satersdaie, And in the Chauncerye on Wensdaye & Fridaie everye weeke, except there be any daies of Retorne, and then sett partlye here, partelye in the Chauncerie." In October, 9 Henry VIII, "for reformation of misorders and other enormityes in the King's severall Courts," the Lords "appointed to assemble here everye weeke twoe dayes, that is to saye Wensdaye & Fridaie." And, in October, 21 Henry VIII, it was agreed "that there shalbe sittinge in this Court

[1] See grants of the two offices together in Rot. Parl., Vol. VI, fol. 366*b*; Cal. State Papers, Dom., Hen. VIII, Vol. IV, no. 3087, Vol. VI, no. 196, 1603–1610, pp. 17, 120, 124.

[2] Lansd. MS. 62, Art. 4.

[3] Hudson declares (Pt. III, §xxiii) that "the time of the lords hearing of causes was heretofore euery day in the week, yea many times both in forenoon and afternoon." The accounts of Star Chamber dinners given in Lansd. MS. 1, Art. 49, go to show that the Court did sit, at least before Wolsey's day, on any day of the week except Sunday, but not that it sat more than three days in the course of a single week. Nor do the notes from the Book of Entries in the reigns of Henry VII and VIII indicate that the Court sat oftener than three times a week, but as those notes are scattered, they do not prove that the Court did *not* sit more frequently.

for hearing and expedition of all maner Causes here dependinge, Tewsdaie, Thursdaie, and Satterdaye."[1] In the end the Court sat regularly from nine to eleven o'clock in the morning on every Wednesday and Friday during Term time, unless one of those days happened to be the first or last day of the Term, and on the day after the end of the Term. According to D'Ewes it was in the reign of Elizabeth that the Star Chamber days "were first certainly appointed to be on Wednesdays and Fridays."[2] In cases of emergency the Court also sat out of Term time, even in its latter days. When the case of the Bishop of Lincoln was before the Court in 1637, the Court sat after the end of the Term to finish the case, the two Chief Justices having postponed the assizes;[3] and when the City of London was prosecuted for not fulfilling the terms of the Londonderry charter, the Court sat seventeen days, *de die in diem*, during the long vacation.[4]

The House of Lords frequently adjourned over Star Chamber days. On 4 February, 25 Henry VIII, it is recorded in the Journal of that House that "Dominus Cancellarius, eo quod die crastino memorati Domini circa ardua negotia in Camera Stellata consulturi, et Domini Spirituales die Veneris in Convocatione versati fuerunt, ex consensu totius Domus continuavit hoc presens Parliamentum in diem Sabbati, hora consueta."[5] D'Ewes says such adjournments were "very usual" during Elizabeth's reign; and some fear seems to have been felt in the reign of James I lest this should become an established custom, for, on 24 April, 19 James I, upon a motion in the House of Lords "that there is a great cause in the midst of hearing to be heard in the Star Chamber tomorrow, the Lords were contented not to sit tomorrow

[1] Lansd. MS. 1, Art. 44. This copy of the orders is signed by Mill in certification of its correctness. The first two orders will also be found in Lightfoot's notes from Hudson's books in Lansd. MS. 639, and Hudson refers to them in his Treatise, Pt. III, § xxiii. From Lansd. MS. 69, Art. 6, it appears that once at least, in 10 Henry VIII, the Lords dined in the Star Chamber on Tuesday and Friday; in 13, 14, and 15 Henry VIII on Monday and Friday; in 24 and 25 Henry VIII on Thursday and Friday; in 26 and 29 Henry VIII on Monday and Friday; in 30 Henry VIII on Thursday and Friday; and in 33 Henry VIII on Monday and Friday. Friday seems to have been a favorite day. Was it because the Lords enjoyed fish dinners?

[2] D'Ewes Journals, p. 67.

[3] Documents relating to Prynne, p. 85.

[4] Rushworth, Pt. II, p. 1052. Coke says: "If any cause be begun to be heard in the Term time and for length or difficulty cannot be sentenced within the Term, it may be continued and sentenced after the Term."

[5] Journals of the House of Lords, Vol. I, p. 65.

in the morning, provided that this house being the supreme court, may sit upon any Star Chamber day notwithstanding the absence of such Lords as do use to attend that Court."[1]

The bulk of the business of the Star Chamber was not transacted, however, on the regular Star Chamber days — the days when the whole Court sat to hear and determine causes. Hudson says (Part III, § xxiii) that "about 15 Henry VIII there were six of the council appointed to sit in the Star Chamber to expedite the causes, which was to give rules and orders of proceedings: but after that usual course was settled in ensuing times, the clerk of the court sat alone to see ordinary course observed in prosecution of causes upon all the days of the week but when the lords sat to hear causes." As the amount of business transacted by the Court was very great, some such arrangement must have existed from the first.

On the Star Chamber days, after the sitting of the Court, the Lords of the Star Chamber together with the clerk, and, sometimes, the solicitor and attorney general, dined at the public expense in the adjoining dining-room generally styled the Inner Star Chamber.[2] This custom must have dated at least from the beginning of Henry VIII's reign, for in Lansd. MS. 1, Art. 49, are some statements, signed by Wolsey and others, of the expense of seventeen Star Chamber dinners in 1509. The total cost of these dinners was 35 l. 0 s. 5 d. In Lansd. MS. 69, Art. 6, is "A note of the chardges of dynner of a fleshday and a dynner on a fishday in the Starre chamber" in ten several years of Henry VIII's reign. The least expensive of the "fleshday" dinners cost 30 s. 7 d., but the dinner of Monday, 14 July, 14 Henry VIII, cost

[1] Journals of the House of Lords, Vol. III, p. 82.

[2] On 13 February, 1550, the Privy Council met in the "Dyning chamber besydes the Starre Chamber."

The preliminary and private business of the Court was transacted in the Inner Star Chamber. Mill says: "For my owne parte I haue learned in this Court and therefore I haue good warrant to speake it That untill of very late tyme, even untill the tyme of my last Predicessor, in a manner there was noething done either in the Courte publiquely or in the Inner Starr Chamber privately but it passed under the hands of my Predicessors," etc. Harg. MS. 216, p. 236. Hacket asserts that before the sentencing of the Bishop of Lincoln the Lords sat long in the Inner Chamber and there decided to give a unanimous sentence against him. Scrinia Reserata, p. 125. Orders of the Court were sometimes issued from the Inner Star Chamber. *Vide* Harl. MS. 97, Art. 75, The Christian Man's Triall, p. 38, and A New Discovery, etc., p. 187.

76 s. 4 d., and on Monday, 4 May, 26 Henry VIII, when the Ambassadors of Scotland dined with the Lords, the expenses rose to 4 l. 11 s. 8 d.[1] The least expensive Friday dinner cost 43 s., the most expensive 79 s. In Lansd. MS. 58, Art. 60, are some itemized accounts of a "fleshe dinner" and a "fish daie" in February, 1588, and an estimate of the total expense of the dinners of the year. Thirty-six dinners in all — six in "Candelmas Terme," eight in Easter Term, six in "Midsomer Terme," and sixteen in Michaelmas Term — were eaten in the Star Chamber that year, at a total cost of 622 l. 1 s. In Lansd. MS. 59, Art. 41, are itemized accounts of six Star Chamber dinners in 1588 and 1589. The most expensive of these dinners cost 21 l. 9 s. 11 d., the least expensive 15 l. 8 s. 10 d.

The increasing costliness of these dinners seems to have caused uneasiness in the breast of Lord Treasurer Burghley. On one of the leaves of Lansd. MS. 1, Art. 44, are some notes in his own handwriting of the cost of the dinners in 1559, 1579, and 1590, from which it appears that, while "ye ordinary chardgs" of a dinner in 1559 were 4 l. 10 s. or 5 l. 9 s., in 1579 they were 8 l. or 10 l., and in 1590 17 l. or 18 l., and that the total cost of the dinners of 1590 was 1130 l. The most elaborate of all the dinner accounts which have been preserved are those in Add. MS. 32117 D.[2] The manuscript contains itemized accounts, not only of six dinners in Hillary Term, 1593, but also of "all manner of provitions necessarye for the furniture of the dyetts aforsaid provided in the Starchamber for the Q. ma^ties^ most honorable Counsell during this Hillary Tearme. 1593." The accounts are drawn up with exceeding care, are signed by Sir John Puckering, Lord Keeper, and by Lord Burghley, and are audited by Richard Sutton "in absentia Jo. Thomson Aud."[3] The total cost of these dinners was 90 l. 11 s. 6 d., and of the "all manner of provitions" 75 l. 13 s. 11 d. obolus. At one of these dinners twelve were present, at another thirteen, at another fourteen, at two fifteen, and at the last sixteen. Mill was present at all of them.

It may be that Burghley at length decided to put a stop to the Star Chamber dinners altogether, for Hudson says (Part I, § vii)

[1] John Graynfield, writing to Lord Lisle on 28 March, 1534, said the embassy from Scotland dined with the Council in the Star Chamber the preceding Thursday. Cal. State Papers, Dom., Hen. VIII, Vol. VII, no. 384.

[2] This manuscript was printed in the American Historical Review, October, 1899.

[3] "Thallowaunce of the Stewards Accompte att euery termes ende geuen onlye by the L. Chauncellor and the L. Treasurer." Lansd. MS. 62, Art. 4.

that they were omitted for a time. "Yet surely," he adds, "it was happily renewed; it being a means of dispatch of much business, which, for the sparing of little money, was disappointed." The bills of fare, however, lead one to suspect that the amount of business transacted was small as compared with the amount of eating and drinking done.

IV.

A prosecution in the Court of Star Chamber usually began with a bill of complaint entered by the plaintiff. Hudson says: "All bills in this Court are to be directed to the King's majesty." This was the ancient usage in causes brought before the Council, but stat. 3 Hen. VII, c. 1, had directed that the bill be put to the Chancellor, and the Star Chamber bills of the reign of Henry VIII are addressed indifferently to the King or to the Lord Chancellor—in some cases they are even addressed to the Lords of the Council. The bill, which must be engrossed on parchment and signed by counsel, was filed with the clerk and endorsed by him. By an order of the Court in 20 Elizabeth no bill was to exceed fifteen sheets of paper, after the rate of fifteen lines to the sheet,[1] but by an order of 3 Charles I the maximum number of sheets (still at the rate of fifteen lines to the sheet) was fixed at twenty.[2] In the bill the plaintiff set forth his grievances (he must be careful that his bill did not charge the defendant with crimes not punishable in the Star Chamber, for in that case he was liable to indictment for slander)[3] and asked that a writ of subpœna be issued calling the offender or offenders before the Court on a day to be named in the writ. If the defendant did not appear within a certain number of days, a writ of attachment then issued[4] to the sheriff of the county in which the delinquent dwelt, to bring him to the Court, and, if this failed, the sheriff returning a *non est inventus*, there followed a proclamation of rebellion, directing that the defendant be apprehended

[1] Harl. MS. 2310, Art. 13. *Vide* also Hudson, Pt. III, § viii.

[2] Harl. MS. 2310, Art. 12.

[3] See the case of Owen Wood *vs.* Sir Richard Buckley, Michaelmas Term, 33 and 34 Elizabeth, Coke's Reports. And if the plaintiff failed to prove his bill, he was in danger of fine *pro falso clamore*.

[4] If the writ was returnable on a common day of return, the attachment did not issue until the sixth day; if returnable upon "a day certaine," the attachment issued the third day; if returnable immediately, "the deft. is to have such convenient Tyme after the serving for his apparance as is required upon all Subpenas, that is a day for every XX^{tie} miles that hee is distant from London at the Tyme of the serving, so as if he dwell a 100 miles of he is to be served five dayes before the day of his Returne &c." Lansd. MS. 639, p. 3.

If a Lord of Parliament was sued, the Chancellor wrote to him, notifying him of the suit and requiring him to answer to the bill; yet no attachment issued, as in other cases it would, if he did not appear. Crompton, fol. 33.

if found, and this in turn was followed, if it proved insufficient, by a commission of rebellion directed to six commissioners named by the plaintiff for the apprehension of the defendant.[1] The commission of rebellion failing, the last resource of the Court was to send forth a serjeant at arms with powers of search.

The defendant, unless specially excused, was required to appear in person at every session of the Court until he was discharged. He had eight days from the day of his appearance, inclusive, to bring in his answer, but if he "cannot answeare without sight of Writings remayning in the Countrie upon Affidavit thereof he shall have the beginning of the next terme to appeare againe and make answeare so that he make his affidavit before Attachment be awarded for not appearing."[2] The answer, which must be made upon oath,[3] was, like the bill, to be on parchment, and, as Prynn and Bastwick learned to their sorrow,[4] must invariably be signed by counsel. If the defendant

[1] Powell, The Attourneys Academy, p. 175.

[2] Lansd. MS. 639, p. 4. See also Hudson, Pt. III, § x.

[3] On 30 November of the fifth year of his reign, Charles I issued the following declaration in regard to the taking of the oath by "persons of honor": "Whereas his Ma^ts^ Attorney generall hath this Terme preferred an Information in this Court against the right Honorable Francis Earle of Bedford, Robert Earle of Somerset, John Earle of Clare, and others, unto which Information the said three Earles haue answered upon their Honors, and not upon oath in the usuall forme, which course of answering by defts. in this Court although they bi persons of Honor, his Ma^tie^ holdeth he may iustlie refuse to accept as being contrarie to the regular proceedings in this and in other Courts of Justice notwithstanding the pretence of any declaratorie order made to the contrarie in the higher Howse of Parlament which without the consent of the Commons and the Kings Royall assent thereunto may not alter the setled course of law, or the constant rules of other Courts. Nevertheless, because his Ma^tie^ is well satisfied that the said Earles in this particular case will upon their Honors declare the trueth of their knowledges as freely as uppon their oath, and because this case may be esteemed to touch his Ma^tie^ in his particular more then usuall, to shewe to the world how farr his Ma^tie^ is from using strict proceeding in this his owne case is willing to dispence with the breach of the rules of this Court in this particuler. And therefore his Ma^tie^ by his Attorney generall declareth his pleasure that the said Answeres putt in by the said Earles without oath as aforesaid be allowed, but this not to be any president against the kinge or any others in any other case which may happen hereafter." Harl. MS. 2310, Art. 6.

In 2 Charles I, the Earl of Lincoln had refused to take the oath because he was a peer of the realm. The Court then decided, however, that he must take the oath. Croke's Reports, Pt. III, p. 64.

[4] Not being able to get their answers signed, they asked that they might put in their answers under their own hand, but the Court replied that they should put in their answers "by Monday next under counsels hand or else be then taken *pro confesso*." A New Discovery, etc., p. 21.

refused to answer, and imprisonment did not bring him to see his error, the plaintiff then moved to have the bill taken *pro confesso*.[1] The defendant having put in his answer, the plaintiff had four days in which to draw up interrogatories for the examination of the defendant,[2] at the end of which time, if the interrogatories had not been exhibited, the defendant was admitted to attorney and licensed to depart. The answer put in and the examination made, the plaintiff had all the next term to put in his replication,[3] to which the defendant then rejoined, and, Hudson says, "the pleadings have, in ancient times, proceeded to the surrejoinder and rebutter." The parties next produced their witnesses, to be examined by the examiner of the Court or joined in commission for the examination of witnesses.[4] When this work had been completed, the depositions were published, and the plaintiff went to the clerk to have the cause entered in the general book of hearing, to await there the Lord Chancellor's appointment of the day of hearing.

The Court might proceed to the hearing of a cause *secundum allegata et probata*, *super confessionem*, *pro confesso*, or *ore tenus*. When a cause had proceeded to the publication of depositions in the manner already described, the Court at the hearing listened to the counsel on both sides and pronounced sentence *secundum allegata et probata*.[5] If the plaintiff found that in the answer and examination the defendant had

[1] Lansd. MS. 639, p. 5. Hudson adds (Pt. III, § xi), "or sometimes he is kept with bread and water." In the case of the King's attorney *vs.* Glanvile and Allen, 13 James I, the defendants answered the bill, but refused to answer the interrogations. "And upon motion it was resolved by the Court that the Bill could not in this case be taken *pro confesso*, because it was answered and denied by the answer. And therefore it was ordered that they should be put in irons and so more and more clogged till they answered." Hobart's Reports, p. 115.

[2] By the order of 20 Elizabeth, which limited the length of the bill, answer, and replication to fifteen sheets, the interrogatories were limited to fifteen articles, and by an order of 35 Elizabeth no article was to comprise above two or three questions. Harl. MSS. 2310, Arts. 13, 14. Hudson, however, complains (Pt. III, § xi) that it was usual for the interrogatories to number thirty, forty, or even fifty articles, each article comprising twenty or thirty questions. But in 6 Charles I the orders against the excessive number and length of interrogatories were reissued. Harl. MS. 2310, Art. 11.

[3] No replication was necessary if the defendant confessed or answered generally not guilty. Lansd. MS. 639, p. 10. Hudson, Pt. III, § xvii.

[4] Hudson (Pt. III, § xxi) quotes a few instances of examination of witnesses in open court.

[5] Lansd. MS. 639, pp. 29–30.

confessed "matter sufficient for the Court to ground sentence upon," he could waive all further proceedings and bring the cause to hearing upon the defendant's own confessions. At this hearing nothing was read against the defendant except his own confessions, and he was allowed counsel for his defence.[1] If the defendant refused to answer the plaintiff's bill, he was committed, and the Court gave him a certain time to answer or be taken *pro confesso*. If he continued obstinate, the Court held him to be guilty and at the hearing at once meted out his punishment.[2] Again, the usual, somewhat elaborate form of proceeding was sometimes replaced by a much more summary form. A suspected person was, on some occasions, in direct violation of stat. 3 Hen. VII, c. 1, apprehended without the form of a bill, and was privately examined — "without oath or any compulsory means," writes Hudson ; but, even if that were true (it probably was not true in earlier days), fear, or the hope of pardon, which was more readily forthcoming to one who confessed than to one who, pleading not guilty, then experienced the ordinary process of the Court, must often have served as well as compulsion. If the accused acknowledged his confession when brought to the bar after such examination, the attorney general then set forth the charge, the defendant made what excuses for himself he could, and the Court at once proceeded to the sentence, judging the party only on his confession.[3]

In pronouncing sentence each judge of the Court spoke in turn, beginning with the councillor of lowest rank[4] and ending with the Archbishop of Canterbury, if present, and the presiding judge. A majority of voices determined the sentence, and in case of a tie the presiding judge cast the deciding vote.

The usual punishments inflicted by the Court were fine and imprisonment, accompanied, in many instances, with some corporal punishment, such as the pillory, nailing or cutting of the ears, branding,

[1] Lansd. MS. 639, p. 29.

[2] *Ibid.*, p. 30. At the hearing of the case of Bastwick, Burton, and Prynn the Lord Keeper said : "We can give you a precedent that this Court hath proceeded and undertaken a cause *pro confesso* for not putting in an answer in six days." "A Brief Relation," etc.

[3] Mill, speaking of the proceeding *ore tenus*, admits himself to be "one that by good experience have found may mischeifes mingled in that manner of dealing." Harg. MS. 216, p. 238.

[4] The "Orders to be observed in Assemblies of Council" of 1627 provide for a similar manner of voting by the Council Board. Clarendon State Papers, Vol. I, p. 35.

whipping, slitting the nose, wearing in public places papers indicating the offence committed, riding around Westminster Hall with face to the horse's tail, etc.[1] The infliction of such corporal punishment was not peculiar to the Stuart days of the Star Chamber. The victims of the Court even in the reign of Henry VIII knew what it was to sit in the pillory, to be branded, to lose an ear, to wear papers, and to ride a horse in ignominious fashion. The famous sentences pronounced by the Court during the frenzy of the reign of Charles I were not much more severe than some which were pronounced by it in Elizabeth's reign.

The fines imposed by the Star Chamber were sometimes very large when the Crown was the recipient, and huge fines were not confined to the Stuart days, although they were then more frequent and at times more huge. Hudson says that in the reigns of Henry VII and Henry VIII the fines "trenched not to the destruction of the offender's estate and utter ruin of him and his posterity as now they do, but to his correction and amendment, the clergy's song being of mercy;" and it was declared by Wrightington, in a speech in 29 Elizabeth, that in times past most of the fines were very small — 20 s., 40 s., and for the most part £5.[2] But Sir Humphrey Brown was fined £1000[3] in 31 Henry VIII, and when, some years earlier, John Tyndal and Thomas Patmore were brought before the Star Chamber for dispersing William Tyndal's translation of the New Testament, they were fined 18,840 l. 0 s. 10 d.[4] In the reign of Mary three members of the jury which acquitted Sir Nicholas Trockmorton were fined £2000 a piece, though, to be sure, on their declaring that their goods did not amount to that sum, they

[1] The Star Chamber never inflicted capital punishment.

According to Harg. MS. 482, fol. 11*b*, "In all cases where the Information or complaint is precisely grounded upon a statute, the judge (if hee find the party guilty) imposeth the penalty prescribed by the statute, but verie few such cases come to hearing," and if the offence was against a statute, but the bill not grounded upon the statute, the Court commonly imposed a greater fine and a severer punishment than that for which the statute provided, "and seldome or neuer lesse, unlesse the Statute bee somewhat antiquated. For example there bee many lawes and statutes made against Riots some imposing imprisonment for longer, some for shorter time, and some greater, some smaller fines, And there bee many bills in this Court for Riots yet none grounded upon any of these statutes, wherefore the Judges in imposing fines and imprisonment (which is the common punishment for Riots) follow the rules of their owne digestion; hauing regard to the circumstances of Aggrauation before mentioned."

[2] Harg. MS. 216, p. 350.

[3] *Ante*, p. 46.

[4] They were also sentenced to ride with their faces to the horse's tail, having papers on their heads, and the New Testaments and other books which they had dispersed pinned thick on their clothing. At the Standard in Cheapside they were to throw these books into a fire made for the purpose. In Harl. MS. 425, Art. 8 (this

were left off with a payment of three score pounds a piece.[1] In the reign of Elizabeth there were some very large fines. The Earl of Hertford, in 5 Elizabeth, was fined £15,000, £5000 for deflouring Lady Catherine Grey, £5000 for breaking out of his prison and coming to her, and £5000 "for iterating the said vicious act."[2] Sir Robert Stapleton, in 1583, was fined £3000 for plotting scandal against the Archbishop of York, while one of his confederates was fined £500 and another £300.[3] Poor Secretary Davison was fined £10,000 in 1587, and, in 34 Elizabeth, William Kyrkham of Northamptonshire was fined £31,000.[4] But fines of this size were exceptional. Fines of £100 or £200 were common, it is true, in the reign of Elizabeth, but the majority of them ran at less than £100. Five pounds was still a usual fine.[5] Elizabeth, however, if the fines collected were at all in proportion to those estreated, got a goodly income from the Star Chamber even when no enormous amount was levied on any one individual.[6]

In some cases certainly, as in that of the members of the Throckmorton jury and, at a later time, in that of Leighton, the fines imposed were out of all proportion to the possessions of the convicted man. In fact, as Hudson himself says, the fines were imposed rather "*in terrorem populi*" than with any intention of demanding their full payment,

MS. once belonged to Strype, and his account of the sentence in his Cranmer, Vol. I, p. 116, differs but slightly from it), a marginal note says: "This is extant to be seene in the records of the Starre chamber."

[1] Holinshed, Vol. III, p. 1104.

[2] Cotton MS. Titus, C. VII, fol. 116.

[3] Harl. MS. 6265, Art. 20, fols. 376–382.

[4] "Accounts, &c. (Exchequer Q. R.)." Bundle 119, no. 21. Stat. 43 Eliz., c. 1 an Act for Confirmation of Grants made to the Queen's Majesty and of Letters Patents made by Her Highness to others, contains a provision that this Act shall not make good any letters Patents to William Kirkham, gentleman, or to any other by his procurement, concerning which there hath been any Act of Parliament made heretofore or any suit in your Majesty's Court of Star Chamber or Chancery. Kirkham's case apparently dragged on until 13 James I, for Ley reports it for Easter Term of that year. "Grandfather, Father, and Son, of lands in tail holden of the King by Knight's service in capite: The Father is censured in the Star-Chamber and fined at £31,000, the Grandfather dieth, the fine is transmitted to the Exchequer and the land seized into the king's hands: The King by his Letters Patents under the great Seal of England, in consideration of money paid and service, granteth the said fine, extent and lands, to one of his Majesty's Privy Chamber, reserving a rent," etc. Reports, p. 51.

[5] Five fines of the reign of Edward VI, in Bundle 116, no. 29, of the "Accounts, &c, (Exchequer Q. R.)," are legible. Four of these are £5, the fifth four marks.

[6] The fines of Michaelmas Term 37 and 38 Elizabeth and Hillary Term 38 Elizabeth, which were estreated, amounted to £1381, and those of Easter and Trinity Terms 40 Elizabeth to £1979.

and in many cases, in later days at least, they were certainly remitted in part, or even altogether. In Harg. MS. 482, Art. 1, fol. 9, it is stated that "after the end of euery Terme there is a priuate sitting for the mitigating or stalling of fines: for as all sutes there are cheifely for example, soe the fines are many times *in terrorem*." The writer adds, "this I haue only by tradition," and his statement should probably be corrected by another in Harl. MS. 6448, fols. 45, 46. "For the fynes, it is obseruable that in all Causes coming here to hearing the king is to haue a fyne, for if either ye plt. proceed not, but by absence or silence seemeth to haue fayled of his proofes he is fyned *pro falso Clamore*, or elce the defendt. is deseruedly fyned for his ofence. their fynes are usually imposed upon delinquents *secundum quantitate delicti*, but not according to ye estate of ye partie, bicause they bee *in terrorem populi*, but nevertheles the lords very honorably are pleased to mitigate them againe twice yearly, viz^{t}. at the end of Trinity terme & the terme of Hillary terme. After which they be presently estreated into ye Exchequer & then leuyed as any other debt or duty belonging unto ye King." In a brief note, in Stowe MS. 397, fol. 50, of a case in Trinity Term, 19 James I, this statement also occurs: "An order entered continually all Fyne shall bee mitigated and extreated at the end of Hillar terme to the end suitors may knowe a tyme certeyne when to attend for those occasions."[1] In many cases, too, the corporal punishments prescribed by the sentence of the Court were remitted by the Crown. But mitigation could not altogether remove the sting of a sharp censure, and it was in those very cases which attracted most attention that the sentences were most unjust. The public punishments by which the Court thought to warn the people against evil-doing only served to arouse sympathy for those who were condemned to penalties too often unreasonably and illegally severe. When the popular will was at last in the ascendant, the famous victims of the last years of the Court's existence secured release and relief, and the Star Chamber quickly disappeared, leaving behind it a most unenviable reputation. That statute of the Long Parliament which abolished it declared that its proceedings, censures, and decrees had been found to be an intolerable burden to the subjects and a means of introducing arbitrary power and government.

[1] The defendant in the case here reported was from the Duchy of Cornwall. He was fined £500, and "his fyne was presented to the Lords to bee mettigated as is usuall but the Lords would not doe ought therein but left it to the Prince for that all fynes within the Dutchie apperteyne to him and soe the whole Fyne is extreated."

APPENDIX.

(*Vide* p. vi of the Bibliography.)

This treatise is published as the work of Francis Tate, but Add. MS. 4521, Art. 7, which is a copy of it (complete except that the list of fees and Egerton's orders are omitted, and more perfect than the printed copy, in which, on p. 301, there is an omission, after the twentieth line, of a passage quite essential to the sense), attributes it to William Lambard. This treatise and that part of the Archeion which is devoted to the Star Chamber are, in fact, in a large measure identical. The opening paragraph is the same in both, except for one or two verbal differences. The next two and a half pages of Tate's treatise, dealing with the origin of the name and of the beginning of the authority of the Court, are quite different, however, from the Archeion. Lambard, in the Archeion, is convinced that the Court of Star Chamber was of greater antiquity than statute 3 Hen. VII, c. 1, while this treatise attributes the origin of the Court entirely to that statute. But, then, from the middle of p. 280 to the middle of p. 282 Tate's work is again the same, with a few verbal changes, as the Archeion, pp. 168–174, with the exception that in speaking of statute 21 Hen. VIII, c. 20, four results are mentioned, the third of which is omitted in the Archeion. Pp. 174–181 of the Archeion will not be found in Tate's treatise, but from the middle of p. 282 to the top of p. 297 Tate's work again corresponds with the Archeion, pp. 182–220. The closing paragraphs of this part of the treatises run thus:

Tate, p. 297.

"Now have I run over the first part of my purpose, and have not only dealt with the statute that gave the first ordinary session and authority to this court, but have also discovered those eight several offences that are contained therein, the which I have not so largely discoursed of as the argument itself would bear especially for that part which describeth the pains; partly, because I meant only to make a summary shew of the whole matter; and partly, for that the judges of this court are not tried [*tied*] (as I said before) to the prescript pains of those laws; but as the cause shall offer to their honourable discretions, may alter or increase any of the same."

Archeion, p. 221.

"Thus have I detected these severall Offences, that are specially signified by these two Statutes: Wherein I have not so largely extended my Discourse, as the Argument it selfe will beare; (especially for that part which describeth the Paines) partly, because I undertooke to make onely a Summarie shew of the whole Matter; and partly, for that those Honourable Judges are not tyed (as I said) to the prescript Paines of those Statutes: but may (as the Case shall offer to their grave Considerations) eyther alter, encrease, or otherwise qualifie any of the same."

Thesis

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